

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

GENIUS MEDIA GROUP INC.,

Plaintiff,

-against-

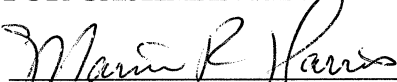
GOOGLE LLC and LYRICFIND,

Defendants.

Index No. \_\_\_\_\_

**SUMMONS**Plaintiff designates Kings County as  
the place of trialVenue is proper pursuant to CPLR  
§ 503**To the Above-Named Defendants:**

**YOU ARE SUMMONED** to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the plaintiff's attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York  
December 3, 2019**PRYOR CASHMAN LLP**By: 

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**TO:**

**Google LLC**

c/o New York Secretary of State (pursuant to N.Y. LLC Law § 303)

**LyricFind**

40 Eglinton Avenue East, Suite 400

Toronto, Ontario M4P 3A2

CANADA

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

GENIUS MEDIA GROUP INC.,

Plaintiff,

-against-

GOOGLE LLC and LYRICFIND,

Defendants.

Index No.

**VERIFIED COMPLAINT**

Plaintiff Genius Media Group, Inc. (“Genius”), as and for its Complaint against defendants Google LLC (“Google”) and LyricFind (each a “Defendant” and collectively, “Defendants”) alleges as follows:

**NATURE OF THE ACTION**

1. Genius is a digital media company connecting music fans across the internet. One of Genius’s primary services is the development and maintenance of a vast repository of annotated music lyrics, some of which are artist-supplied and many of which are transcribed and refined by a community of over two million Genius contributors.

2. Defendants Google LLC and LyricFind have been caught red-handed misappropriating content from Genius’s website, which they have exploited—and continue to exploit—for their own financial benefit and to Genius’s financial detriment.

3. When repeatedly confronted by Genius with incontrovertible evidence regarding their conduct, Defendants assigned blame elsewhere but otherwise continued their unlawful behavior.

4. Only after Defendants’ conduct became public in a *Wall Street Journal* article did Defendants purport to address their misappropriation of content from Genius’s website.

5. Defendants' responses, however—largely platitudes of “high standards” and “best practices”—ring hollow, and Defendants continue to exploit content misappropriated from Genius's website while apparently attempting to conceal that misappropriation.

6. This action seeks to halt Defendants' unethical and unfair anticompetitive practices, as well as to recover damages for violations of Genius's Terms of Service as a result of defendants' misappropriation.

### **THE PARTIES**

7. Plaintiff Genius Media Group, Inc. is a Delaware corporation with its principal place of business at 92 Third Street, Brooklyn, New York 11231.

8. Upon information and belief, Defendant LyricFind is a Canadian company with its principal place of business in Toronto, Ontario.

9. LyricFind describes itself as the “world's leader in legal lyric solutions.” It purports to maintain a “quality-controlled, vetted database of . . . lyrics available for licensing and service to over 200 countries.”

10. While not registered to do business in New York State, LyricFind nonetheless, upon information and belief, maintains an office and has employees within the state, including, for example, its Vice President of International Publishing. Upon information and belief, LyricFind also has employees in California.

11. Moreover, upon information and belief, LyricFind regularly contracts and conducts business—including licensing of lyrics or the provision of its lyrics-related services—with counterparties located in the States of New York and California.

12. Upon information and belief, in or about June 2016, LyricFind entered into an agreement with Google whereby LyricFind provides lyrics to Google for use in (at least) Google's search results.

13. Google LLC is a Delaware limited liability company with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

14. Google LLC owns and operates, among other products, Google Search (a/k/a Google Web Search), the internet's dominant search platform.

15. Google LLC is registered to do business in the State of New York and maintains offices at 111 Eighth Avenue, New York, New York 10011.

### **FACTUAL BACKGROUND**

#### **I. Genius and the Market for Accurate Music Lyrics**

16. Founded in 2009 as "Rap Exegesis," Genius has become a preeminent source of lyrics for music and is a preferred destination for major publications when reporting on or analyzing lyrics.

17. It is commonly assumed that music lyrics are provided by music publishers and/or record labels in connection with the release of new music. In the age of digital distribution, however, that is rarely the case.

18. Rather, while the music publishers and/or songwriters usually own the copyright in the lyrics for a given song, they do not generally maintain a catalog of lyrics transcriptions. Companies that license lyrics for display from music publishers (like Genius and LyricFind) do not typically receive any actual lyrics transcriptions in connection with their licensing agreements.

19. Genius provides a platform for music enthusiasts who transcribe music lyrics, and also obtains lyrics through partnerships with artists who provide their lyrics directly to Genius. Genius, in turn, obtains licenses from music publishers permitting the display and distribution of these lyrics.

20. Members of the Genius community are music enthusiasts. Lyrics transcription is an arduous task that often requires genre experts to repeatedly listen to songs in order to produce

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