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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-liability company,

Plaintiff,

v.

NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS, a District of Columbia domestic nonprofit corporation,

Defendant.

Case No.: 2:10-cv-0351

COMPLAINT AND DEMAND FOR JURY TRIAL

Righthaven LLC (“Righthaven”) complains as follows against the National Organization for the Reform of Marijuana Laws (“NORML”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.
3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Secretary of State of Nevada.
4. NORML is, and has been at all times relevant to this lawsuit, a District of Columbia domestic nonprofit corporation with its principal place of business in the District of Columbia.

JURISDICTION

5. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).
6. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1332(c) because this is a civil action between parties with complete diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.
7. NORML purposefully directs activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.
8. NORML purposefully directs and effectuates the unauthorized reproduction of Righthaven-owned copyrighted works at www.norml.com (“NORML’s Website”).
9. NORML’s unauthorized reproduction of Righthaven-owned copyrighted works found on NORML’s Website is purposefully targeted to Nevada residents and to actual and potential visitors to Nevada.
10. NORML copied, on an unauthorized basis, the literary work entitled “Dr. Reefer’s business goes to pot,” attached hereto as Exhibit 1 (the “Dr. Reefer Article”), from a source emanating from Nevada.
11. NORML displayed and displays the Dr. Reefer Article on NORML’s Website.

1 12. NORML's display of the Dr. Reefer Article was and is purposefully directed at Nevada
2 residents.

3 13. NORML copied, on an unauthorized basis, the literary work entitled "Marijuana activists
4 take stand against bill," attached hereto as Exhibit 2 (the "Activist Article"), from a
5 source emanating from Nevada.

6 14. NORML displayed and displays the Activist Article on NORML's Website.

7 15. NORML's display of the Activist Article was and is purposefully directed at Nevada
8 residents.

9 16. NORML's contacts with Nevada are continuous and systematic because NORML,
10 through NORML's Website, continually solicits Nevada attorneys willing to provide
11 legal services to NORML constituents.

12 17. NORML's contacts with Nevada are continuous and systematic because NORML's
13 Website provides contact information for Nevada attorneys willing to provide legal
14 services to NORML constituents.

15 18. NORML's contacts with Nevada are continuous and systematic because NORML's
16 Website provides a mechanism for NORML constituents to send messages directly to
17 specific Nevada newspapers, magazines, television stations, and radio stations.

18 19. NORML's contacts with Nevada are continuous and systematic because NORML's
19 Website provides Nevada criminal law information regarding marijuana possession,
20 sales, cultivation and paraphernalia.

21 20. NORML's contacts with Nevada are continuous and systematic because NORML's
22 Website provides contact information for health services within Nevada.

23 21. NORML's contacts with Nevada are continuous and systematic because NORML's
24 Website continually reproduces marijuana-news articles related to Nevada.

25 22. NORML's contacts with Nevada are continuous and systematic because NORML's
26 Website contains the invitation for a Nevada resident to begin an official NORML
27 affiliate chapter.
28

VENUE

- 1
- 2 23. The United States District Court for the District of Nevada is an appropriate venue,
- 3 pursuant to 28 U.S.C. §1391(b)(2), because a substantial part of the events giving rise to
- 4 the claim for relief are situated in Nevada.
- 5 24. The United States District Court for the District of Nevada is an appropriate venue,
- 6 pursuant to 28 U.S.C. §1391(b)(3) and § 1400(a), because NORML may be found in
- 7 Nevada.
- 8 25. The United States District Court for the District of Nevada is an appropriate venue,
- 9 pursuant to 28 U.S.C. §1391(c), because a NORML is subject to personal jurisdiction in
- 10 Nevada.

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FACTS

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- 13 26. Righthaven is the copyright owner of the literary work entitled, “Marijuana as medicine”
- 14 (the “Work”), attached hereto as Exhibit 3.
- 15 27. The Work was originally published on August 30, 2009.
- 16 28. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §102(a)(1).
- 17 29. On March 5, 2010, the United States Copyright Office (the “USCO”) granted Righthaven
- 18 the registration to the Work, copyright registration number TX0007095275 (the
- 19 “Registration”) and attached hereto as Exhibit 4 is evidence of the Registration in the
- 20 form of a printout of the official USCO database record depicting the occurrence of the
- 21 Registration.
- 22 30. NORML owns the domain name norml.com (the “Domain”).
- 23 31. NORML is the registrant, administrator, and technical contact for NORML’s Website.
- 24 32. No later than February 18, 2010, NORML reproduced an unauthorized copy of the Work
- 25 (the “Infringement”), attached hereto as Exhibit 5, on NORML’s Website.
- 26 33. NORML did not seek Righthaven’s permission, in any manner, to reproduce, display, or
- 27 otherwise exploit the Work.
- 28

1 34. Righthaven did not grant NORML permission, in any manner, to reproduce, display, or
2 otherwise exploit the Work.

3
4 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

5 35. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 34
6 above.

7 36. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C.
8 §106(1).

9 37. Righthaven holds the exclusive right to prepare derivative works based upon the Work,
10 pursuant to 17 U.S.C. §106(2).

11 38. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17
12 U.S.C. §106(3).

13 39. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C.
14 §106(5).

15 40. NORML reproduced the Work, in derogation of Righthaven's exclusive rights under 17
16 U.S.C. §106(1).

17 41. NORML created an unauthorized derivative of the Work, in derogation of Righthaven's
18 exclusive rights under 17 U.S.C. §106(2).

19 42. NORML distributes unauthorized reproductions of the Work via NORML's Website, in
20 derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

21 43. NORML publicly displays an unauthorized reproduction of the Work at NORML's
22 Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(5).

23 44. NORML has willfully engaged in the copyright infringement of the Work.

24 45. NORML's acts as alleged herein, and the ongoing direct results of those acts, have
25 caused and will continue to cause irreparable harm to Righthaven in an amount
26 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

27 46. Unless NORML's is preliminarily and permanently enjoined from further infringement of
28 the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to

1 preliminary and permanent injunctive relief against further infringement by NORML of
2 the Work, pursuant to 17 U.S.C. §502.

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4 **PRAAYER FOR RELIEF**

5 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

- 6 1. Preliminarily and permanently enjoin and restrain NORML, and NORML's
7 officers, agents, servants, employees, attorneys, parents, subsidiaries, related
8 companies, partners, and all persons acting for, by, with, through, or under
9 NORML, from directly or indirectly infringing the Work by reproducing the
10 Work, preparing derivative works based on the Work, distributing the Work to the
11 public, and/or displaying the Work, or ordering, directing, participating in, or
12 assisting in any such activity;
- 13 2. Direct NORML to preserve, retain, and deliver to Righthaven in hard copies or
14 electronic copies:
- 15 a. All evidence and documentation relating in any way to NORML's use of the
16 Work, in any form, including, without limitation, all such evidence and
17 documentation relating to NORML's Website;
- 18 b. All evidence and documentation relating to the names and addresses (whether
19 electronic mail addresses or otherwise) of any person with whom NORML
20 has communicated regarding NORML's use of the Work; and
- 21 c. All financial evidence and documentation relating to NORML's use of the
22 Work;
- 23 3. Direct Register.com, Inc. and any successor domain name registrar for the
24 Domain to lock the Domain and transfer control of the Domain to Righthaven;
- 25 4. Award Righthaven the actual damages and profits for the infringement of the
26 Work, pursuant to 17 U.S.C. §504(b);
- 27 5. Award Righthaven pre- and post-judgment interest in accordance with applicable
28 law; and

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6. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this 15 day of March, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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