

1 ANNETTE L. HURST (STATE BAR NO. 148738)
ahurst@orrick.com
2 BETH M. GOLDMAN (STATE BAR NO. 118341)
beth.goldman@orrick.com
3 DIANA RUTOWSKI (STATE BAR NO. 233878)
drutowski@orrick.com
4 BRYCE BAKER (STATE BAR NO. 254072)
bbaker@orrick.com
5 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
6 405 Howard Street
San Francisco, California 94105-2669
7 Telephone: +1-415-773-5700
Facsimile: +1-415-773-5759
8

9 Attorneys for Plaintiff
GOLDIEBLOX

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 GOLDIEBLOX, Inc.,

14 Plaintiff,

15 v.

16 ISLAND DEF JAM MUSIC GROUP, A DIV.
17 OF UMG RECORDINGS, INC.; BROOKLYN
DUST MUSIC; BEASTIE BOYS; SONY/ATV
18 MUSIC PUBLISHING GROUP LLC;
UNIVERSAL MUSIC PUBLISHING, INC.;
19 RICK RUBIN; and ADAM HOROVITZ,

20 Defendants.
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Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE
RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiff GoldieBlox, Inc. (“GoldieBlox” or “Plaintiff”) brings this action for declaratory
 2 judgment and injunctive relief against the Defendants Island Def Jam Music Group, a Division of
 3 UMG Recordings, Inc.; Brooklyn Dust Music; the Beastie Boys; Sony/ATV Music Publishing
 4 Group LLC; Universal Music Publishing, Inc.; Rick Rubin; and Adam Horovitz (collectively,
 5 “Defendants”).

6 **NATURE OF ACTION AND RELIEF SOUGHT**

7 1. This is a civil action for declaratory and injunctive relief to vindicate the rights of
 8 toy company GoldieBlox in connection with a parody video set to the tune of the Beastie Boys’
 9 highly sexist song “Girls.” GoldieBlox is a toy company founded upon the principle of breaking
 10 down gender stereotypes, by offering engineering and construction toys specifically targeted to
 11 girls. In a series of promotional videos, GoldieBlox has presented strong and smart depictions of
 12 girls pursuing so-called “nontraditional” activities. The latest video by GoldieBlox depicts three
 13 diverse girls rejecting stereotypical play as princesses with tiaras, and instead creating a highly
 14 creative and complex Rube Goldberg mechanism throughout multiple rooms and the yard of one
 15 of their homes (the “GoldieBlox Girls Parody Video”).

16 2. In the lyrics of the Beastie Boys’ song entitled Girls, girls are limited (at best) to
 17 household chores, and are presented as useful only to the extent they fulfill the wishes of the male
 18 subjects. The GoldieBlox Girls Parody Video takes direct aim at the song both visually and with
 19 a revised set of lyrics celebrating the many capabilities of girls. Set to the tune of Girls but with a
 20 new recording of the music and new lyrics, girls are heard singing an anthem celebrating their
 21 broad set of capabilities—exactly the opposite of the message of the original. They are also
 22 shown engaging in activities far beyond what the Beastie Boys song would permit. GoldieBlox
 23 created its parody video specifically to comment on the Beastie Boys song, and to further the
 24 company’s goal to break down gender stereotypes and to encourage young girls to engage in
 25 activities that challenge their intellect, particularly in the fields of science, technology,
 26 engineering and math. The GoldieBlox Girls Parody Video has gone viral on the Internet, and
 27 has been recognized by the press and the public as a parody and criticism of the original song.
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3. In response to this criticism, the Beastie Boys have now threatened GoldieBlox with copyright infringement. Lawyers for the Beastie Boys claim that the GoldieBlox Girls Parody Video is a copyright infringement, is not a fair use, and that GoldieBlox's unauthorized use of the Beastie Boys intellectual property is a "big problem" that has a "very significant impact."

4. GoldieBlox therefore brings this declaratory relief action to clarify the rights of the parties, and to refute the baseless assertion of copyright infringement finally and definitively. Plaintiff seeks a declaratory judgment holding that its parody video does not infringe any copyrights held by Defendants and is protected by the Fair Use Doctrine. Plaintiff also seeks an injunction enjoining Defendants from any efforts to enforce any copyright in Girls against the GoldieBlox Girls Parody Video, including through the use of DMCA takedown notices or otherwise.

THE PARTIES

5. Plaintiff GoldieBlox is a Delaware Corporation with its headquarters and principal place of business in Oakland, California.

6. Upon information and belief, Defendant Island Def Jam Music Group ("Def Jam") is a division of UMG Recordings, Inc., a Delaware Corporation with its corporate headquarters and principal place of business in Santa Monica, California. Upon information and belief, Defendant Island Def Jam Music Group, Inc. is the successor in interest to Def Jam Music, Inc., which is listed as a copyright claimant in connection with copyright registration number PA 0000344518 for the song Girls.

7. Upon information and belief, Defendant Brooklyn Dust Music ("Brooklyn Dust") is a business name under which the Beastie Boys have done and currently do business, of unknown entity status. Defendant Brooklyn Dust Music is listed as a copyright claimant in connection with copyright registration number PA 0000344518 for the song Girls.

8. Upon information and belief, Defendant Beastie Boys ("Beastie Boys") is a hip hop band, of unknown entity status. Upon information and belief, Defendant Beastie Boys asserts an ownership interest in a copyright in the song Girls and is listed as the performer in connection

1 with copyright registration number PA 0000344518 for the song Girls.

2 9. Upon information and belief, Defendant Sony/ATV Music Publishing Group LLC
3 (“Sony Music”) is a Delaware Limited Liability Company. Upon information and belief, Sony
4 Music is licensed to do business in, has an agent for service of process in, and has an office in Los
5 Angeles, California. Upon information and belief, Sony Music asserts an ownership interest in a
6 copyright for the song Girls.

7 10. Upon information and belief, Defendant Universal Music Publishing, Inc.
8 (“Universal Music”) is a California Corporation with a principal place of business in Santa
9 Monica, California. Upon information and belief, Universal Music asserts an ownership interest
10 in a copyright for the song Girls.

11 11. Upon information and belief Defendant Rick Rubin (“Rubin”) is an individual
12 residing in Malibu, California. Upon information and belief, Defendant Rubin is listed as an
13 author in connection with copyright registration number PA 0000344518 for the song Girls.

14 12. Upon information and belief Defendant Adam Horovitz (“Horovitz”) is an
15 individual residing in New York, New York. Upon information and belief, Defendant Horovitz is
16 listed as an author in connection with copyright registration number PA 0000344518 for the song
17 Girls.

18 **JURISDICTION AND VENUE**

19 13. This is an action for declaratory judgment arising under the United States
20 Copyright Act of 1976, 17 U.S.C. § 101 et seq. (the “Copyright Act”) and 28 U.S.C. §§ 2201 and
21 2202 (the “Declaratory Judgment Act”). Thus, this court has original jurisdiction over the subject
22 matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

23 14. This Court has personal jurisdiction over Defendants because they reside in and/or
24 are doing business in the State of California, and have purposefully availed themselves of the
25 privilege of conducting activities in this State and the Northern District. Defendants have sold
26 tens of thousands of copies of Girls, the song that Plaintiff allegedly infringes, in this State.
27 Further, Defendants have intentionally engaged in acts targeted at the Northern District. Plaintiff
28 resides in this District and created and distributed the allegedly infringing work by, *inter alia*,

1 uploading the allegedly infringing work to YouTube in this District. Defendants' false assertions
2 of infringement of alleged copyrights were and are directed at Plaintiff in this District.

3 15. Venue is proper in the Northern District of California under 28 U.S.C. §
4 1391(b)(2) because a substantial part of the events giving rise to Plaintiff's claims has occurred
5 and will continue to occur in the Northern District of California.

6 **FACTUAL ALLEGATIONS**

7 16. Plaintiff GoldieBlox is a toy company founded by Stanford-educated product
8 designer Debbie Sterling, that set out to inspire the next generation of female engineers by
9 creating engineering and construction books and toys specifically targeted to girls. Plaintiff's
10 mission is nothing less than to help close the gender gap in the fields of science, technology,
11 engineering and math by encouraging young girls to build and invent amazing things.

12 17. To introduce its toys to the public, GoldieBlox has created a set of promotional
13 videos. In its series of promotional videos, GoldieBlox has presented strong and smart depictions
14 of girls pursuing so-called "nontraditional" activities. Each video has been accompanied by a
15 musical anthem. The latest video by GoldieBlox, the GoldieBlox Girls Parody Video, depicts
16 three diverse girls rejecting stereotypical play as princesses with tiaras, and instead creating a
17 highly creative and complex Rube Goldberg mechanism throughout multiple rooms and the yard
18 of one of their homes. The musical anthem is a new version of the Beastie Boys' song Girls.

19 18. In the lyrics of the Beastie Boys' original song, girls are limited (at best) to
20 household chores, and are presented as useful only to the extent they fulfill the wishes of the male
21 singers. The girls are objects. The GoldieBlox Girls Parody Video takes direct aim at the song
22 both visually and with a revised set of lyrics celebrating the many capabilities of girls. Set to the
23 tune of Girls by the Beastie Boys but with a new recording of the music and new lyrics, girls are
24 heard singing an anthem celebrating their broad set of capabilities—exactly the opposite of the
25 message of the original. GoldieBlox Girls are the subjects; they are the actors taking charge of
26 their environment. A chart with a side-by-side comparison of the lyrics of the original, and the
27 lyrics of the GoldieBlox parody video, is set forth below.
28

19. Comparison Chart of Lyrics

Beastie Boys Lyrics for Girls	GoldieBlox Lyrics for Girls
Girls, all I really want is girls And in the morning it's girls Cause in the evening it's girls	Girls. You think you know what we want, girls Pink and pretty it's girls. Just like the 50's it's girls.
I like the way that they walk And it's chill to hear them talk And I can always make them smile From White Castle to the Nile	You like to buy us pink toys And everything else is for boys And you can always get us dolls And we'll grow up like them... false.
Back in the day There was this girl around the way She liked my home-piece M.C.A. He said he would not give her play I asked him, "Please?" he said, "You may." Her pants were tight and that's ok If she would dance I would D.J. We took a walk down to the bay	It's time to change. We deserve to see a range. 'Cause all our toys look just the same And we would like to use our brains.
I hope she'll say, "Hey me and you should hit the hay!" I asked her out she said, "No way!" I should have probably guessed they're gay So I broke North with no delay I heard she moved real far away That was two years ago this May I seen her just the other day Jockin' Mike D. to my dismay	We are all more than princess maids.
Girls - to do the dishes Girls - to clean up my room Girls - to do the laundry Girls - and in the bathroom Girls, that's all I really want is girls Two at a time I want girls With new wave hairdos I want girls I ought to whip out my girls, girls, girls, girls, girls!	Girls to build the spaceship, Girls to code the new app, Girls to grow up knowing That they can engineer that. Girls. That's all we really need is Girls. To bring us up to speed it's Girls. Our opportunity is Girls. Don't underestimate Girls.

20. GoldieBlox created its parody video with specific goals to make fun of the Beastie Boys song, and to further the company's goal to break down gender stereotypes and to encourage young girls to engage in activities that challenge their intellect, particularly in the fields of science, technology, engineering and math. The GoldieBlox Girls Parody Video has gone viral on the Internet, and has been recognized by the press and the public as a parody and criticism of the original song.

21. In response, the Beastie Boys and their label have lashed out and accused

GoldieBlox of copyright infringement. There exists a justiciable controversy regarding Plaintiff's right to make a fair use of the Girls song in its parody video free of any allegation by Defendants' that such conduct constitutes an infringement of any copyright allegedly owned by Defendants.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment – Non-Infringement of Copyright)

22. Plaintiff re-alleges and incorporates each and every foregoing paragraph as though fully set forth herein.

23. An actual justiciable controversy exists as to whether the GoldieBlox Girls Parody Video infringes any copyright owned by the Defendants

24. Plaintiff is entitled to declaratory judgment that the GoldieBlox Girls Parody Video is not infringing, has not infringed, and is not liable for infringing any valid copyright owned by Defendants relating to the song Girls.

SECOND CLAIM FOR RELIEF
(Declaratory Judgment – Fair Use)

25. Plaintiff re-alleges and incorporates each and every foregoing paragraph as though fully set forth herein.

26. An actual controversy exists as to whether Plaintiff's use of any materials to which the Defendants hold copyrights is protected by the Fair Use Doctrine.

27. Plaintiff is entitled to a declaratory judgment that its use of the song Girls in the GoldieBlox Girls Parody Video is protected by the Fair Use Doctrine.

PRAYER FOR RELIEF

WHEREFORE Plaintiff seeks judgment awarding it the following relief:

- a) An order declaring that Plaintiff does not infringe any valid copyright owned by Defendants relating to the song Girls;
- b) An order declaring that any alleged use by Plaintiff of the song Girls in its parody video is privileged under, and protected by, the Fair Use Doctrine;
- c) An order enjoining Defendants from asserting any alleged copyrights against Plaintiff in connection with the GoldieBlox Girls Parody Video;

- 1 d) An order awarding attorneys' fees, costs, and expenses incurred in connection with
2 this action to Plaintiff;
3 e) An order awarding such other and further relief as this Court deems just and
4 proper.

5 **JURY DEMAND**

6 Plaintiff demands a trial by jury as to all issues so triable.
7

8 Dated: November 21st, 2013

ANNETTE L. HURST
BETH M. GOLDMAN
DIANA RUTOWSKI
BRYCE BAKER
Orrick, Herrington & Sutcliffe LLP

11
12 By: /s/ Annette L. Hurst

13 ANNETTE L. HURST
14 Attorneys for Plaintiff
15 GOLDIEBLOX
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