

## STATUTORY DECLARATION

**In the Matter of** the Settlement  
Agreement and Mutual Releases between  
Lawrence Lessig and Liberation Music  
Pty Ltd

I, **RONALD DEREK EDWARDS** of 5 La Perouse Crescent, Fairview Park, South Australia, 5126 hereby solemnly and sincerely declare as follows:

1. I am employed by Liberation Music Pty Ltd ("**Liberation**") as Commercial Director. I have held this position since 29<sup>th</sup> March 2005.
2. As Commercial Director I, with the assistance of one junior employee, am responsible for:
  - (a) the sales of all Liberation's physical product, including seeking stock orders, liaising with physical retailers and organising retail marketing campaigns;
  - (b) digital exploitation of Liberation's entire catalogue, including:
    - (i) liaising with all digital service providers in Australia (including, without limitation i-tunes, spotify and youtube); and
    - (ii) digitizing Liberation's entire catalogue and delivering Liberation's digitized catalogue and metadata to all digital service providers.
3. As the only senior employee in Liberation's two person digital/physical sales department, I'm responsible for making all settings with respect to Liberation's content on the YouTube website, including YouTube's Content ID system.
4. Liberation utilises YouTube's Content ID system to identify the use of sound recordings which are part of the Liberation music catalogue within user generated content on YouTube.
5. The song "Lisztomania" by Phoenix ("**the Song**") is part of the Liberation's music catalogue of works that YouTube's Content ID system searches for.
6. My understanding of YouTube's Content ID system is that the system searches YouTube videos for content which contains an audio 'match' to a song or part of a song against the database of songs provided by Liberation as forming Liberation's music catalogue. If a match is found the user who uploaded the content is automatically notified of Liberation's claim to the copyright in the sound recording used in the video and is given the option to acknowledge or dispute that copyright claim. At the same time Liberation is provided with an automated notification from YouTube of the match.
7. The following is my understanding of how YouTube's Content ID system identified the song "Lisztomania" within Lawrence Lessig's ("**Lessig**") video 'Open' [www.youtube.com/watch?v=KBTWoCaNKn4](http://www.youtube.com/watch?v=KBTWoCaNKn4) ("**the Video**") and to the best of my



recollection the steps I took in relation to reviewing and responding to this identification.

- 7.1. On or about 9 July 2013 I would have received a claim dispute through the YouTube Content ID notification system relating to the use of the Song within the Video.
  - 7.2. The claim dispute would have been the first time that I was made aware that Lessig had disputed Liberation's claim of copyright in the sound recording of the Video.
  - 7.3. Given the vast number of dispute claims I receive through this system and under the belief that Liberation had the right to "take down" any videos using our sound recordings where the "user" did not acknowledge our copyright claim, I issued a "take down" notice with respect to the Video without viewing the Video or seeking the advice of the Mushroom Group's Business Affairs Department.
  - 7.4. Once a dispute has been raised the YouTube Content ID system only allows the rights owner to issue a "take down" notice for the world and does not allow for the Video to be removed from only certain territories. As such, I believe that I would have had to issue the take down notice for the world in order to have the Video removed from the Liberation controlled territories (i.e. Australia and New Zealand), although I do not recall taking this action.
  - 7.5. It is my understanding that as a consequence of my issuing the "take down" notice for the Video, Lessig would have received an automated email from YouTube stating that Liberation has reviewed his dispute claim and decided to take down the Video.
  - 7.6. On or about 9 July 2013 I received a counter claim notification from YouTube on behalf of Lessig in which Lessig stated "*I swear, under penalty of perjury, that I have a good-faith belief that the material was removed due to a mistake or misidentification of the material to be removed or disabled*".
  - 7.7. On or about 9 July 2013 and without taking any legal advice I emailed Lessig directly stating that Liberation would be commencing legal action against Lessig if he did not remove his claim with respect to the Video.
  - 7.8. On or about 12 July 2013 I received an email from Lessig informing me that he had retracted his counter-notification.
8. I was the only staff member at Liberation who was dealing with this matter or had any knowledge of this matter until Lessig commenced legal proceedings against Liberation.



AND I ACKNOWLEDGE that this declaration is true and correct and we make it in the belief that a person making a false declaration is liable to the penalties of perjury.

DECLARED at Prahran in the )  
State of Victoria this Fourteenth day of )  
2014. )

Before Me:

Signature CM  
Full Name CHRIS MAUND  
Address 65 PENDER ST  
THURMBURY, VICTORIA  
Qualification Solicitor

**LIST OF WITNESSES:** Any barrister and Solicitor of the Supreme Court; any clerk to a barrister and Solicitor of the Supreme Court; any fellow of the Institute of Legal Executives (Victoria); the Registrar or Deputy Registrar of the County Court; the Principal Registrar, Registrar or Deputy Registrar of any Magistrates' Court; any Registrar of Probates or an Assistant Registrar of Probates; any Associate to a Judge of the Supreme Court or the County Court; any Secretary of a Master of the Supreme Court or the County Court; any sheriff or deputy sheriff; any member or former member of the Parliament of the Commonwealth or the State; any councillor of any municipality; any town clerk or shire secretary; Justice of the Peace; any Notary Public; any legally qualified medical practitioner; any dentist; any pharmacist; any veterinary surgeon; any principal in the teaching service; the manager of any bank; the secretary of any building society; any member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants; any minister of religion authorised to celebrate marriages; any member of the police force.