

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

In Re DMCA Subpoena to Google LLC

X
:
: **Case No. 7:20-mc-00119-CS**
:
: **Declaration of Paul D. Polidoro in**
: **Support of Watch Tower Bible**
: **and Tract Society's Opposition to**
: **Motion to Quash**
:
X

PAUL D. POLIDORO, duly sworn, deposes and says:

1. I am counsel of record for Petitioner Watch Tower Bible and Tract Society of Pennsylvania (hereinafter "Watch Tower") in the above-referenced matter.
2. I am an Associate General Counsel of Watch Tower Bible and Tract Society of Pennsylvania ("Watch Tower"). As such, I am fully familiar with the facts of this matter as set forth herein based upon my review of the file and personal knowledge.
3. In June 2018, I was assigned to assist in defending Watch Tower's intellectual property.
4. After the creation of jw.org, the official website of Jehovah's Witnesses, more Bible based information began to be created in digital form. This included videos produced and copyrighted by Watch Tower.
5. In view of the large number of infringements of its intellectual property, particularly videos created and copyrighted by Watch Tower, in June 2018, concentrated efforts were undertaken to identify a possible defendant for a copyright infringement lawsuit in the United States.
6. Watch Tower filed a number of subpoenas pursuant to the DMCA process to identify a possible infringement defendant.
7. The vast majority of these subpoenas were issued from June 2018-June 2019.
8. The information provided as a result of the subpoena compliances provided little in the way of information necessary to identify a potential defendant. In many cases no identifying information was obtained. In other cases the infringer resided outside of the United States, such as in South America or Europe.

Page 2 of 5

DECLARATION OF PAUL D. POLIDORO

9. Towards the end of 2019, Watch Tower's Legal Department was able to identify a few potential domestic defendants for a copyright infringement lawsuit.
10. Since Jehovah's Witnesses' efforts are supported by voluntary donations, undertaking litigation is very carefully considered.
11. Given the compelling need to institute a lawsuit to stem the unending stream of infringements, in December 2019, the Legal Department was directed to institute legal action.
12. After considering a variety of factors, including jurisdiction, a decision was made as to the first defendant to be sued in a copyright infringement lawsuit.
13. Given the specialized nature of infringement litigation, a Manhattan law firm was retained to work with the Legal Department as trial co-counsel.
14. Since the beginning of 2020, the Legal Department and outside counsel have been working together to draft a complaint.
15. But for the delay caused by the ongoing COVID-19 pandemic, the copyright infringement lawsuit would have already been filed in the United States District Court for the Southern District of New York.
16. Once the complaint is filed, with the Court's permission, the undersigned will file an informative motion providing the docket number of this filing.
17. Since the internet infringements of Watch Tower's intellectual property continues, Watch Tower is continuing to attempt to identify other potential defendants, such as the Movant.
18. The subpoena before the Court encompasses five videos posted by Movant. Upon careful review, there are 16 of Watch Tower's copyrighted videos, in their entirety, included in the Movant's 5 postings. All of the material in these videos was produced and copyrighted by Watch Tower. None of the videos are "undercover" or edited videos, but have been reproduced in their entirety.
19. Watch Tower has filed for all the videos posted by Movant with the United States Copyright Office. Registration certificates have been received for all but one of the videos. The status of the registrations is as follows:

	Watch Tower's Copyrighted Work	USCO Number	Registration Date
1	How Can You Support LDC?	Registration No. PA0002216080	10/7/2019
2	Choose Your Apps Wisely	Application No. 1-8675537944	In progress
3	2020 Special Talk - Whose Leadership Can	Registration No. PA0002235961	2/12/2020

Page 3 of 5

DECLARATION OF PAUL D. POLIDORO

	You Trust? Interviews		
4	Congregation Accounting Training: Issuing Donation Acknowledgement Letters	Registration No. PA0002230739	12/30/2019
5	Congregation Accounting Training: Transferring Funds to and From the Branch Office	Registration No. PA0002230788	12/30/2019
6	Congregation Accounting Training: Congregation Expenses Types and Approvals	Registration No. PA0002230736	12/19/2019
7	Congregation Accounting Training: Monthly Congregation Accounts Report (S-30)	Registration No. PA0002230738	12/30/2019
8	Congregation Accounting Training: Tutorials for Congregation Accounting-Introduction	Registration No. PA 2-212-279	9/18/2019
9	Congregation Accounting Training: Roles and Responsibilities	Registration No. PA 2-213-383	9/18/2019
10	Congregation Accounting Training: Resolutions	Registration No. PA 2-213-381	9/18/2019
11	Congregation Accounting Training: Contribution Boxes and Their Uses	Registration No. PA 2-212-288	9/18/2019
12	Congregation Accounting Training: Balance of Congregation Funds-Bank Account	Registration No. PA 2-212-269	9/18/2019
13	Congregation Accounting Training: Recording Bank Activity to the Accounts Sheet (S-26)	Registration No. PA 2-212-267	9/18/2019
14	Congregation Accounting Training: Recording the Transaction Record (S-24) to the Accounts Sheet (S-26)	Registration No. PA 2-213-387	11/18/2019
15	Congregation Accounting Training: Setting Up and Maintaining a Bank Account	Registration No. PA 2-217-185	10/9/2019
16	Congregation Accounting Training: Making Payments with a Bank Account	Registration No. 1-8231820921	11/11/2019

20. Movant posted the *Choose Your Apps Wisely* video in its entirety, including Watch Tower's copyright notification that appears at the end of the video. Movant posted this unedited video without providing criticism.
21. The *Choose Your Apps Wisely* video is not an "undercover" video of meetings. Rather, all of the material in this video was produced and copyrighted by Watch Tower and was shown at the congregation meetings of Jehovah's Witnesses in the United States during the week of March 23, 2020.
22. Movant posted the *Whose Leadership Can You Trust?* video in its entirety, including Watch Tower's copyright notification that appears at the end of the video. Movant posted this unedited video without providing criticism.

Page 4 of 5

DECLARATION OF PAUL D. POLIDORO

23. The *Whose Leadership Can You Trust?* video is not an “undercover” video of meetings. Rather, all of the material in this video was produced and copyrighted by Watch Tower, and was shown in the United States in connection with the Special Talk presented at the weekend congregation meetings of Jehovah’s Witnesses during the weeks of March 23 and March 30, 2020.
24. Movant posted the *How Can You Support LDC?* video in its entirety, including Watch Tower’s copyright notification that appears at the end of the video. Movant posted this unedited video without providing criticism.
25. The *How Can You Support LDC?* video is not an “undercover” video of meetings. Rather, all of the material in this video was produced and copyrighted by Watch Tower and was shown at the congregation meetings of Jehovah’s Witnesses in the United States during the week of September 23, 2019.
26. Under the title “Congregation Accounting Training Video #1”, Movant posted 9 training videos in their entirety, including Watch Tower’s copyright notification that appears at the end of each individual video. Movant posted the unedited videos without providing criticism.
27. These accounting training videos are not “undercover” videos of meetings. Rather, all of the material in these videos were produced and copyrighted by Watch Tower, and are used in congregations throughout the United States.
28. Under the title “Congregation Accounting Training Video #2”, Movant posted 4 training videos in their entirety, including Watch Tower’s copyright notification that appears at the end of each individual video. Movant posted the unedited videos without providing criticism.
29. These accounting training videos are not “undercover” videos of meetings. Rather, all of the material in these videos were produced and copyrighted by Watch Tower and are used in congregations throughout the United States.

Page 5 of 5

DECLARATION OF PAUL D. POLIDORO

I declare under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct. Executed this 17th day of April 2020.

/s/ Paul D. Polidoro

Paul D. Polidoro
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