

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: GREENSLEEVES PUBLISHING LTD.,
:

Plaintiff,
:

-against-
:

CHRISTOPHER MAURICE BROWN p/k/a
CHRIS BROWN, CHRIS BROWN TV, and
SONY MUSIC ENTERTAINMENT,
:

Defendants.
:
:
----- X

Case No. 1:21-cv-05751

**SONY MUSIC ENTERTAINMENT’S
ANSWER TO COMPLAINT**

Defendant Sony Music Entertainment (“Sony”), by its undersigned attorneys, as and for its Answer to the Complaint, dkt. no. 1, responds as follows. To the extent that headings in the Complaint are construed as allegations, they are each denied. Sony further denies each of the allegations in the Complaint except as specifically admitted or qualified below.

The Parties

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 regarding Defendant Christopher Maurice Brown’s (“Brown”) residence, and otherwise denies the remaining allegations contained in Paragraph 2, except admits that Brown is a recording artist; that Sony has released (i.e., made publicly available) certain sound recordings embodying Brown’s performances; and that Sony is a recording company that maintains an office in New York.

3. Denies the allegations regarding Sony's co-management of Chris Brown TV, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 3, except admits that Sony has at times commissioned the production of certain music videos embodying Brown's performances.

4. Denies the allegations contained in Paragraph 4, except admits that Sony is a Delaware general partnership; that Sony's headquarters are located at 25 Madison Avenue, New York, New York 10010; and that Sony is one of the world's leading entertainment companies engaged in the business of recorded music.

Jurisdiction and Venue

5. Admits that this action purports to be a copyright infringement action and that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(s) but otherwise denies the truth of the allegations contained in Paragraph 5.

6. Admits that Sony may be found in this District and otherwise denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 6.

COUNT I (Copyright Infringement)

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8, except admits that, pursuant to certain agreements to which Sony is a party, Brown performed and rendered recording services for purposes of recording a sound recording entitled "Privacy" (such sound recording, the "Accused Work") and a corresponding audiovisual work of the same name, which audiovisual work embodies Brown's

performances of the musical composition underlying the Accused Work; and that Sony has exploited the Accused Work and the corresponding audiovisual work of the same name in the United States.

9. Denies that the Accused Work “took the core musical feature of Tight Up Skirt and used it prominently in” the Accused Work, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9.

10. Denies the allegations contained in Paragraph 10, except admits that Plaintiff’s allegedly copyrighted work contains the lyrics “Hey you girl inna di tight upskirt”; and that the Accused Work contains the lyrics “Hey you girl without a tight up skirt.”

11. Denies the allegations contained in Paragraph 11.

12. Denies the allegations contained in Paragraph 12.

13. Denies the allegations contained in Paragraph 13.

14. Denies the allegations contained in Paragraph 14.

15. Denies the allegations contained in Paragraph 15.

16. Denies the allegations contained in Paragraph 16.

17. Denies the allegations contained in Paragraph 17.

18. Denies the allegations contained in Paragraph 18.

19. Denies the allegations contained in Paragraph 19.

20. Denies the allegations contained in Paragraph 20.

21. Denies the allegations contained in Paragraph 21.

22. Denies the allegations contained in Paragraph 22.

23. Denies the allegations contained in Paragraph 23.

AFFIRMATIVE AND OTHER DEFENSES

Sony asserts the following defenses and reserves all rights to assert additional defenses as may be appropriate at a later time. In asserting these defenses, Sony does not assume any burden of proof or persuasion with respect to any issue where the applicable law places such burden upon Plaintiff.

FIRST DEFENSE

24. The Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

25. Plaintiff claim is barred in whole or in part by the statute of limitations provided for in the Copyright Act, 17 U.S.C. § 507(b).

THIRD DEFENSE

26. Plaintiff's claim is barred by the doctrine of fair use, 17 U.S.C. § 107.

FOURTH DEFENSE

27. Plaintiff's claim is barred by the scènes à faire doctrine.

FIFTH DEFENSE

28. Plaintiff does not own a valid copyright in its alleged copyrighted work.

SIXTH DEFENSE

29. Plaintiff's alleged copyrighted work, and in particular the phrase it contends has been infringed, lacks sufficient originality to warrant copyright protection.

SEVENTH DEFENSE

30. The Accused Work is not substantially similar to Plaintiff's alleged copyrighted work.

EIGHTH DEFENSE

31. Plaintiff is not entitled to injunctive relief because Plaintiff has an adequate remedy at law in the event Plaintiff prevails on the merits.

WHEREFORE, Sony demands that judgment be entered against Plaintiff as follows:

- A. Dismissing the Complaint in its entirety with prejudice;
- B. Awarding Sony its reasonable attorneys' fees and costs in connection with the defense of this action; and
- C. Granting Sony such other and further relief as the Court may deem just and proper.

Dated: September 27, 2021

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Defendant Sony Music Entertainment

By: _____


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