

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

---

LATIN AMERICAN MUSIC COMPANY, INC.,  
a/k/a LAMCO, and ASOCIACIÓN DE  
COMPOSITORES Y EDITORES DE MUSICA  
LATINOAMERICANA a/k/a ACEMLA,

Civil Action No. 16-07655

Plaintiffs,

vs.

JURY TRIAL DEMANDED

CORPORACION DE PUERTO RICO PARA  
LA DIFUSION PUBLICA,

Defendant.

---

Plaintiffs Latin American Music Company, Inc. (“LAMCO”) and Asociacion de Compositores y Editores de Musica LatinoAmericana (“ACEMLA”), by and through their undersigned counsel, allege as follows:

**BACKGROUND**

1. Defendant Corporacion de Puerto Rico Para la Difusion Publica (“WIPR”) is a public broadcasting entity that provides television and radio programming available via broadcast in Puerto Rico and on the Internet throughout the world, including New York. Plaintiff LAMCO is a music publisher that owns or controls rights to thousands of copyrighted songs, primarily Latin or Spanish-language titles, and plaintiff ACEMLA is a performing rights organization that administers LAMCO’s and other rights-holders’ titles. WIPR has previously licensed from Plaintiffs the right to use Plaintiffs’ music in its programming, but recently refused to renew its license. Despite this, WIPR has continued to use defendants’ music in its programming, as set forth in more detail in this complaint.

## JURISDICTION AND VENUE

2. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1331 and 1338(a).

Venue in this judicial district is appropriate pursuant to 28 U.S.C. §§1391(b) and (c) and 1400(a).

3. This Court has personal jurisdiction over WIPR, which has directed its activities and marketing of programming to, among others, New York residents, and New York residents are able to view programming that incorporates the infringed songs at issue in this lawsuit.

Accordingly WIPR expects or reasonably should expect its infringing conduct to have consequences in New York, and to yield revenue from interstate commerce, subjecting WIPR to jurisdiction under N.Y. C.P.L.R. § 302(a)(3).

## PARTIES

4. Plaintiff Latin American Music Co. Inc. is a music publisher incorporated in the State of New York with a place of business in San Juan, Puerto Rico. LAMCO administers thousands of copyrighted musical works for several hundred Puerto Rican and foreign composers. The composers or their heirs transferred ownership of such musical works to LAMCO by means of various written contracts.

5. Plaintiff Asociacion de Compositores y Editores de Musica LatinoAmericana is a music performing rights licensing society incorporated under the laws of the Commonwealth of Puerto Rico, with a place of business in San Juan, Puerto Rico. ACEMLA also operates under the acronym of SPACEM, or Sociedad Puertorriquena de Autores, Compositores y Editores de Musica. ACEMLA licenses and administers all of the performance rights in its repertoire, which includes the repertoire of LAMCO and other ACEMLA affiliates (composers and music

publishers) who have assigned the performance rights in their catalogs and copyrights to ACEMLA.

6. Defendant Corporacion de Puerto Rico Para la Difusion Publica (“WIPR”) is a public broadcasting entity that provides television and radio programming available via broadcast in Puerto Rico and on the Internet throughout the world, including in New York. WIPR has a Federal Communications Commission license and is presently operating the radio and television stations designated by the call letters and assigned frequencies WIPM, WIPR (both television), 940AM and Allegro 91.3 (both radio), all of which primarily transmit in the Spanish language. In addition, WIPR delivers the content of its television and radio stations worldwide, including in New York, over the Internet.

#### FACTS

7. WIPR has, upon information and belief, broadcast and distributed via the Internet (“streamed”) programming that has included the following songs, each of which is owned or controlled by Plaintiffs:

	<b>Name of Work (Author)/Copyright Registration Information</b>	<b>Date and Infringing Broadcast</b>
1.	Abelardo (M. Enrique) / PA 1018715 dated 3/28/00	7/12/15 - Cuentos Para Despertar - Luis Molina
2.	Linda Sara (a/k/a Sara) (J. Rodriguez) /RE-476-118 dated 4/2/90	7/24/15 – Desde Sabana Grande
3.	De Pie Frente a Mi Bandera (Luz Celenia Tirado)/ PA-1-891-233 dated 11/18/13	7/29/15 - Luis Vigoreaux Asi Canta Puerto Rico

4.	Jibaro (Hilario Centeno) / PA0000258240 dated 11/08/05	9/13/15 – Caravana Musical (940 AM)
5.	Celos Sin Motivos (I Santiago) / PAu000702280 dated 11/26/84	10/06/15 – Caravana Musical (940 AM)
6.	Alo Quien Nama (Mon Rivera) / PA0001211384 dated 1/12/04	10/06/15 – Bo Obrero
7.	Ojos Chinos (Kito Velez) / PAU 551-546 dated 6/19/97	10/20/2015 - Puertorriqueñísimo
8.	De Lejanas Tierras (Pini Maldonada) / PA 1-207-001 dated 2/06/03	11/26/15 - Wipr Tv Que Es lo que Silverio/ program interpreted by Rondalla de humacao / also Caravana del Recuerdo
9.	Yo Creo en Santa Claus (Jose Loubriel) / PA 1-284-345 dated 2/08/05	12/20/15 – Christmas Movie
10.	Quitale el Tapon (a/k/a El Tapon) (M. Jimenez) / PA0001206792 dated 10/14/03	12/24/15 – Orchestra Philharmonia
11.	La Botellita (V. Carattini) / PA 1- 227-128 dated 5/04/04	12/24/15 – Orchestra Philharmonia
12.	Las Campanas de la Catedral (H. Tovar) / PAu 2-577-354 dated 2/26/01	12/24/15 – Orchestra Philharmonia
13.	Madrigal (F. Rosario Goyco) / PA 814-445 dated 7/26/96 and PA 230-536 dated 11/02/84	1/09/16 – De Pura Cepa 5/15/16 – Que Es lo Que Silverio

14.	Mi Dolor Es Mio ( F. Rosario Goyco) / PA 814-445 dated 7/26/96	5/15/16 – 940 AM radio

The song titles listed above are referred to herein as the “Infringed Works.” Upon information and belief, there exist substantial numbers of additional infringements, where defendant has knowingly used one or more of Plaintiff’s titles without permission.

8. Furthermore, WIPR has been aware that it needed a license from Plaintiffs to use, broadcast, and distribute the Infringed Works. It has entered into license agreements with Plaintiffs in the past, and negotiated but refused to enter into a license with Plaintiffs that would have legitimized the above-listed and other uses of the Infringed Works. Indeed, in the course of providing ongoing notifications of which of Plaintiffs’ works WIPR broadcast when it was licensed to do so, WIPR identified one or more of the foregoing Infringing Works and so was on prior notice of Plaintiffs’ rights. Accordingly, WIPR’s unlicensed use of the Infringed Works was willful. Furthermore, and upon information and belief, WIPR continues to use one or more of the Infringed Works, as well as other works owned or controlled by Plaintiffs, to this day.

9. In addition, upon information and belief WIPR has distributed programming that includes one or more of the Infringed Works to third parties, which have then rebroadcast the programming.

10. Furthermore, in correspondence with Plaintiffs, WIPR’s counsel has admitted that it has used at least some of Plaintiffs’ songs without a license. In particular, in a December 23, 2014 email, WIPR’s counsel admitted as follows:

During the first semester of the fiscal year 2013-2014 only three TV programs used OR SYNCRONIZED music from the catalogues of ACEMLA/LAMCO. The Chucho Avellanet Show (1), “Que Es Lo Que Hay” (1) and Myrna Chispi and people of today (154). (Most of them under the synchronization license). . . . .

As for Radio, during the 2013-2014 fiscal years only three programs used ACEMLA catalog music; however, such use does not reach 250 pieces.

None of these foregoing admitted uses were licensed, and none have been licensed to date.

11. In addition to the Infringed Works, WIPR has, upon information and belief, broadcast and distributed numerous other programs that included works for which Plaintiffs hold exclusive rights, all without a license from Plaintiffs to do so.

#### FIRST CLAIM FOR RELIEF

(Copyright Infringement – Abelardo)

12. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 11 above as if set forth fully herein.

13. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Abelardo without Plaintiffs’ permission.

#### SECOND CLAIM FOR RELIEF

(Copyright Infringement – Linda Sara)

14. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 13 above as if set forth fully herein.

15. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Linda Sara without Plaintiffs' permission.

### THIRD CLAIM FOR RELIEF

(Copyright Infringement – De Pie Frente a Mi Bandera)

16. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 15 above as if set forth fully herein.

17. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work De Pie Frente a Mi Bandera without Plaintiffs' permission.

### FOURTH CLAIM FOR RELIEF

(Copyright Infringement – Jibaro)

18. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 17 above as if set forth fully herein.

19. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Jibaro without Plaintiffs' permission.

### FIFTH CLAIM FOR RELIEF

(Copyright Infringement – Celos Sin Motivos)

20. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 19 above as if set forth fully herein.

21. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Celos Sin Motivos without Plaintiffs' permission.

#### SIXTH CLAIM FOR RELIEF

(Copyright Infringement – Alo Quien Nama)

22. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 21 above as if set forth fully herein.

23. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Alo Quien Nama without Plaintiffs' permission.

#### SEVENTH CLAIM FOR RELIEF

(Copyright Infringement – Ojos Chinos)

24. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 23 above as if set forth fully herein.

25. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Ojos Chinos without Plaintiffs' permission.

#### EIGHTH CLAIM FOR RELIEF

(Copyright Infringement – De Lejanas Tierras)

26. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 26 above as if set forth fully herein.

27. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work De Lejanas Tierras without Plaintiffs' permission.

#### NINTH CLAIM FOR RELIEF

(Copyright Infringement – Yo Creo en Santa Claus)

28. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 27 above as if set forth fully herein.

29. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Yo Creo en Santa Claus without Plaintiffs' permission.

#### TENTH CLAIM FOR RELIEF

(Copyright Infringement – Quitale el Tapon)

30. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 29 above as if set forth fully herein.

31. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Quitale el Tapon without Plaintiffs' permission.

#### ELEVENTH CLAIM FOR RELIEF

(Copyright Infringement – La Botellita)

32. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 31 above as if set forth fully herein.

33. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work La Botellita without Plaintiffs' permission.

#### TWELFTH CLAIM FOR RELIEF

(Copyright Infringement – Las Campanas de la Catedral)

34. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 33 above as if set forth fully herein.

35. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Las Campanas de la Catedral without Plaintiffs' permission.

#### THIRTEENTH CLAIM FOR RELIEF

(Copyright Infringement – Madrigal)

36. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 35 above as if set forth fully herein.

37. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work Madrigal without Plaintiffs' permission.

#### FOURTEENTH CLAIM FOR RELIEF

(Copyright Infringement – Mi Dolor Es Mio)

38. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 37 above as if set forth fully herein.

39. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of the Infringed Work *Mi Dolor Es Mio* without Plaintiffs' permission.

FIFTEENTH CLAIM FOR RELIEF

(Copyright Infringement)

40. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 39 above as if set forth fully herein.

41. Upon information and belief, Defendant has broadcast and/or streamed one or more other titles owned or controlled by Plaintiffs without permission or license.

42. Defendant is liable to Plaintiffs for Copyright Infringement under 17 U.S.C. § 501, et seq. for each and every broadcast or Internet distribution of any such other title without Plaintiffs' permission.

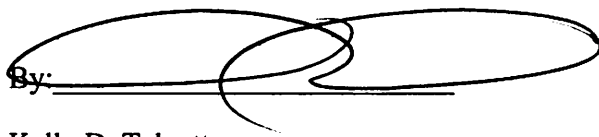
WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For damages in an amount to be determined at trial but no less than \$400,000, a preliminary and permanent injunction enjoining Defendants, and their respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from (a) directly or indirectly infringing in any manner any of the Infringed Works or any other work owned or controlled by Plaintiffs; and (b) from directly or indirectly infringing or inducing the infringement of any of the Infringed Works or any other work owned or controlled by Plaintiffs..

2. For punitive and exemplary damages in an amount as may be awarded at trial, including enhanced damages for Defendant's willful conduct as provided by law.

3. For prejudgment interest according to law.
5. For Plaintiffs' costs incurred in this action including its reasonable attorneys' fees.
6. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By: 

Kelly D. Talcott  
The Talcott Law Firm PC  
200 Sea Cliff Avenue, No. 43  
Sea Cliff, New York 11579  
v.516.515.1545  
f.516.871.0682

Attorney for Plaintiffs

Dated: Sea Cliff, New York

September 29, 2016