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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 JOHN FILAX,

12 Plaintiff,

13 vs.

14 MUHAMMAD TAYYAB,

15 Defendant.

Case No. 25-cv-07600

16 **COMPLAINT**
17 **FOR:**

18 **1. Misrepresentation, 17 U.S.C. §**
19 **512(f);**

20 **2. Declaratory Judgment, 28 U.S.C. §**
21 **2201**

1 Plaintiff, John Filax (“Plaintiff”), files this action against Muhammad Tayyab
2 (“Defendant”) who operates the Bodycam Action YouTube channel located
3 www.youtube.com/@BodycamActionofficial (The “Bodycam Channel”) and alleges as
4 follows:

5 **INTRODUCTION**

6 1. This action addresses the misuse of the counter-notice process under the
7 Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512 *et seq.* Defendant and other
8 YouTube channel operators assert a boundless version of fair use, one so overbroad that,
9 if accepted, copyright protection on YouTube would become meaningless.

10 2. Anonymous foreign YouTube creators have built profitable channels through
11 wholesale appropriation of others’ copyrighted works, contributing little or nothing in the
12 way of genuine transformation. Their videos typically consist of lengthy, unaltered
13 segments of original creators’ footage with minimal or no alteration, yet are monetized
14 through YouTube’s Partner Program under the blanket claim of “fair use.”

15 3. While courts have upheld some reaction videos as fair use, those rulings
16 emphasize sustained commentary, structured critique, and a genuinely transformative
17 purpose. By contrast, channels like Defendant’s add nothing at all, no commentary, no
18 critique, not even a spoken word. The only so-called “transformations” consist of
19 superficial edits such as mirroring, captions, or background music. Accepting such edits as
20 fair use would nullify copyright enforcement on YouTube: any user could repost entire
21 videos with cosmetic tweaks and claim immunity. That outcome would strip creators of
22 meaningful control over their work, undermine YouTube’s enforcement system, and
23 incentivize the mass monetization of stolen content.

24 4. This erosion of copyright protections has been fueled, in part, by systematic
25 abuse of the DMCA’s counter-notice process. When copyright owners like Plaintiff submit
26 takedown notices under 17 U.S.C. § 512(c), channel operators often respond with
27 boilerplate counter-notices under § 512(g), swearing under penalty of perjury that their
28 uploads are protected by fair use.

1 5. On or about May 9, 2025, Defendant submitted such a counter-notice to
2 YouTube pursuant to § 512(g)(3) on behalf of the Bodycam Channel, seeking to have a
3 video titled *Cops mess with the Wrong Person* restored to that channel (the “Infringing
4 Video”) (the “Counter-Notice”). A copy of the Counter-Notice is attached hereto as Exhibit
5 A.

6 6. Defendant operates the Bodycam Channel, which purports to showcase police
7 body-worn camera footage. In reality, the Infringing Video does not contain bodycam
8 footage at all, but rather Plaintiff’s dashcam recording. Defendant’s decision to
9 misappropriate Plaintiff’s video underscores that the Bodycam Channel exists not to
10 present genuine “bodycam” material, but to appropriate any law-enforcement-related
11 content for monetization, regardless of source or accuracy.

12 7. The Infringing Video contains not a single word of commentary by
13 Defendant. The absence of commentary distinguishes this case from reaction-video
14 precedents where courts have found transformative use.

15 8. The Counter-Notice asserted, under penalty of perjury, that the Infringing
16 Video “qualifies under fair use” because it was “significantly transformed.” In truth, the
17 only alterations Defendant made were shortening the length, adding captions, and
18 overlaying background music. Such superficial edits do not constitute fair use.

19 9. These conclusory statements mirror the kind of boilerplate language
20 anonymous foreign channels often deploy without conducting any individualized fair-use
21 analysis.

22 10. As detailed below, the Counter-Notice is materially false and was knowingly
23 submitted to manipulate YouTube’s copyright enforcement process.

24 11. Plaintiff brings this action under 17 U.S.C. § 512(f) to hold Defendant
25 accountable for knowingly and materially misrepresenting the legal basis of the Counter-
26 Notice and to ensure the permanent removal of the Infringing Video from the Bodycam
27 Channel.
28

JURISDICTION AND VENUE

12. This action arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and includes a claim for Declaratory Relief under 28 U.S.C. § 2201.

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

14. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) and 28 U.S.C. § 1400(a) because a substantial part of the events or omissions giving rise to the claim occurred in this District, including YouTube’s reliance on the false Counter-Notice to reinstate the Infringing Video.

15. Defendant consented to jurisdiction in this District by submitting the Counter-Notice to YouTube pursuant to 17 U.S.C. § 512(g)(3).

PARTIES

16. Plaintiff is a resident of Florida and the sole owner of the copyrights in the videos published on the YouTube channel “John Filax” (@JohnFilax) (the “John Filax Channel”).

17. Defendant, operating under the alias “Bodycam Action,” runs a YouTube channel located at @BodycamActionofficial. Upon information and belief, Defendant monetizes the Bodycam Channel through YouTube’s Partner Program.

18. The Bodycam Channel is a textbook example of an anonymous foreign channel. It creates no original content of its own but instead lifts copyrighted footage from others and repackages it with superficial edits such as captions, mirroring, or background music. Defendant never appears on camera and provides no commentary. The channel’s anonymity has served as both sword and shield, permitting monetized copyright infringement while concealing the identity of the operator.

19. The Bodycam Channel purports to showcase police body-worn camera footage. In reality, as shown by the Infringing Video, Defendant misappropriates footage from unrelated sources, including Plaintiff’s dashcam recording, and monetizes it under the false guise of “fair use.”

FACTUAL ALLEGATIONS

20. YouTube is the largest video-sharing platform in the world and operates under the framework established by the DMCA.

21. The DMCA provides a process by which copyright owners may request the removal of infringing content through a notice-and-takedown mechanism. If the platform receives a valid takedown notice, it typically disables access to the allegedly infringing material.

22. The statute also gives the alleged infringer a way to respond: a counter-notification claiming the use is authorized, lawful, or otherwise non-infringing. If the copyright owner does not file a federal lawsuit within 10 business days of receiving a counter-notice, YouTube must restore access to the disputed content. 17 U.S.C. § 512(g).

23. This framework shifts the burden onto copyright owners, often small creators or publishers, to file suit quickly or see their work reposted.

24. Infringers exploit this imbalance, especially anonymous, monetized “reaction” channels, by filing boilerplate counter-notices designed to intimidate rights holders into dropping the matter.

25. In practice, this loophole allows such channels to continue monetizing stolen content while hiding behind the mantra of “fair use,” even where their videos consist largely of unaltered footage from original creators.

26. Over time, “fair use” has become a catchall excuse on YouTube, not to support legitimate critique or commentary, but to justify wholesale misappropriation and monetization of others’ work without meaningful transformation.

Cops mess with the Wrong Person

27. On or about November 3, 2024, Defendant posted a video titled *Cops mess with the Wrong Person* to the Bodycam Channel.¹

¹ <https://www.youtube.com/watch?v=FD1-Iujdknk>

1 28. The Infringing Video contains one minute and thirty-five seconds from
2 Plaintiff's three minute and twenty-five second video titled *TPA Police Stop The Wrong*
3 *Guy _ READ THE DESCRIPTION!* that was posted to the John Filax Channel on
4 September 18, 2017.² The copied material comprises virtually the entire substance of
5 Plaintiff's work, which itself has been viewed more than 10 million times on YouTube,
6 confirming its popularity and commercial value.

7 29. Defendant's unauthorized re-upload, by contrast, has been viewed more than
8 85 million times on YouTube. This extraordinary view count underscores both the
9 commercial scale of Defendant's misappropriation and the significant market harm to
10 Plaintiff, as Defendant diverted audience attention and advertising revenue from the
11 original work.

12 30. Based upon information and belief, Defendant obtained this footage from the
13 John Filax Channel in violation of YouTube's Terms of Service and in violation of federal
14 law.

15 31. The Infringing Video's only so-called transformations consisted of addition
16 of text overlays that merely transcribed Plaintiff's voice, a mirrored image of the video,
17 and background music. Defendant contributed no commentary and made no meaningful
18 creative contribution.

19 32. The Infringing Video is therefore presented without any genuine
20 transformation, serving primarily as unaltered entertainment for Defendant's audience.

21 33. This wholesale re-use is far outside the bounds of what courts have found
22 permissible even in "reaction" or "commentary" videos. Defendant's channel operates
23 under the mistaken belief, common among monetized infringement channels, that
24 superficial edits alone can transform wholesale copying into fair use. This lawsuit seeks to
25 correct that misinterpretation and reaffirm that fair use has limits.

26
27
28 ² <https://www.youtube.com/watch?v=-xDyjPOhIgw>

The Takedown and FALSE Counter-Notice

34. In May 2025, Plaintiff submitted a DMCA takedown notice to YouTube pursuant to 17 U.S.C. § 512(c), identifying the Infringing Video.

35. YouTube complied and removed the Infringing Video.

36. On or about May 9, 2025, Defendant submitted the Counter-Notice to YouTube pursuant to 17 U.S.C. § 512(g)(3) on behalf of the Bodycam Channel seeking reinstatement of the Infringing Video. In relevant part, Defendant stated:

Dear YouTube Team, I am writing to appeal the removal of my video titled "Cops mess with the Wrong Person" (URL: <https://www.youtube.com/watch?v=FD1-lujdknk>), which was taken down following a copyright claim from John Filax. The original content used was from a video titled "TPA Police Stop The Wrong Guy_ READ THE DESCRIPTION!", and I acknowledge that it was included in my video. However, I believe the use of this content qualifies under fair use. I significantly transformed the original footage by: Adding my own original images Including captions and text overlays Incorporating background music Making edits to structure and presentation that provide new context and meaning. My video is not a re-upload, but rather a repurposed and original work that aims to inform and engage viewers in a different way than the source material. It does not serve as a substitute for the original video and adds value through sharing my own perspective and creative editing. Based on these modifications and the intent behind the video, I believe it qualifies as fair use under U.S. copyright law. I respectfully request a review of the strike and a reinstatement of my video. Thank you for your time and consideration. Sincerely, Muhammad Tayyab Channel: Bodycam Action

I swear, under penalty of perjury, that I have a good faith belief the material was removed due to a mistake or misidentification of the material to be removed or disabled.

I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant.

1 37. By signing under penalty of perjury, Defendant personally adopted these
2 statements, despite their lack of factual foundation and the absence of any legitimate fair
3 use defense. Defendant falsely represented that the video was “significantly transformed”
4 when, in fact, there was no meaningful transformation. Captions, mirroring, and
5 background music do not constitute transformation under established copyright law.

6 38. Defendant’s Counter-Notice was part of a scheme to preserve monetized
7 infringing content. He knowingly submitted it under penalty of perjury as required by 17
8 U.S.C. § 512(g), despite its falsity.

9 39. Plaintiff now seeks damages, attorneys’ fees, declaratory and injunctive relief
10 for Defendant’s material misrepresentations in the Counter-Notice submitted to YouTube.

11 **FIRST CAUSE OF ACTION**

12 **Misrepresentation in Counter-Notifications under the DMCA**

13 **(17 U.S.C. § 512(f))**

14 40. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1
15 through 39.

16 41. Section 512(f) of the Copyright Act provides, in relevant part, that “any person
17 who knowingly materially misrepresents under this section . . . that material was removed
18 or disabled by mistake or misidentification, shall be liable for any damages, including costs
19 and attorneys’ fees, incurred by the alleged infringer, by any copyright owner...who is
20 injured by such misrepresentation...”

21 42. Defendant submitted a Counter-Notice to YouTube on or about May 9, 2025,
22 swearing under penalty of perjury that the Infringing Video qualified as fair use and that
23 its removal was the result of a “mistake or misidentification.”

24 43. Defendant further represented that the Infringing Video was “significantly
25 transformed” because Defendant had added images, captions, text overlays, background
26 music, and structural edits.

1 44. These representations were materially false. In reality, the Infringing Video
2 consisted entirely of Plaintiff's dashcam footage, with only superficial edits such as
3 mirroring, captions, and background music layered on top. The Infringing Video contained
4 no commentary, no critique, and not a single word spoken by Defendant.

5 45. Despite swearing under penalty of perjury, Defendant's Counter-Notice
6 contained conclusory assertions and legal misstatements that were knowingly false when
7 made.

8 46. Defendant made these misrepresentations knowingly and willfully, with the
9 purpose of causing YouTube to reinstate the Infringing Video and to preserve monetization
10 of the Infringing Video. The Infringing Video has been viewed more than 85 million times,
11 generating substantial commercial value for Defendant and causing significant market
12 harm to Plaintiff, whose original video has been viewed over 10 million times.

13 47. As a direct result of Defendant's material misrepresentations, Plaintiff was
14 forced to initiate this action to ensure permanent removal of the Infringing Video. Plaintiff
15 has incurred and will continue to incur damages, costs, and attorneys' fees within the
16 meaning of 17 U.S.C. § 512(f).

17 48. Plaintiff is further entitled to injunctive relief requiring YouTube or its agents
18 to remove the Infringing Video from the Bodycam Channel and to prevent its re-upload,
19 as well as such other and further relief as the Court deems just and proper.

20 21 **SECOND CAUSE OF ACTION**

22 **Declaratory Judgment**

23 **28 U.S.C. § 2201**

24 49. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1
25 through 48.

26 50. Plaintiff is the sole owner of the copyright in the original dashcam video titled
27 *TPA Police Stop The Wrong Guy _ READ THE DESCRIPTION!* published on the John
28 Filax Channel on September 18, 2017.

1 51. An actual and justiciable controversy exists between Plaintiff and Defendant
2 concerning Defendant's use of that work. In the Counter-Notice submitted to YouTube on
3 May 9, 2025, Defendant asserted that the Infringing Video was "significantly
4 transformed" and therefore protected by fair use under 17 U.S.C. § 107.

5 52. Plaintiff disputes Defendant's assertions and contends that the Infringing
6 Video infringes Plaintiff's copyright and is not protected under 17 U.S.C. § 107. The
7 Infringing Video consists entirely of Plaintiff's footage, with only superficial edits such
8 as mirroring, captions, and background music, and contains no commentary or critique by
9 Defendant.

10 53. A judicial declaration under 28 U.S.C. § 2201 is necessary to resolve this
11 dispute and to confirm that Defendant's use of Plaintiff's work is not protected by fair use.

12 54. Plaintiff also seeks injunctive relief requiring YouTube or its agents to remove
13 the Infringing Video from the Bodycam Channel and to prevent its re-upload.

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- 16 A. That judgment be entered in favor of Plaintiff and against Defendant for
17 monetary damages caused by his knowing material misrepresentations in the
18 Counter-Notice pursuant to 17 U.S.C. § 512(f);
- 19 B. That the Court enter a declaratory judgment under 28 U.S.C. § 2201 that
20 Defendant's use of Plaintiff's video is not protected by 17 U.S.C. § 107;
- 21 C. A permanent injunction enjoining Defendant from further use of the Infringing
22 Video and directing YouTube or its agent to remove the Infringing Video from
23 the Bodycam Channel and prevent its re-upload;
- 24 D. An award of attorneys' fees and costs pursuant to 17 U.S.C. § 512(f);
- 25 E. Any other relief the Court deems just and proper.
- 26
27
28

1 Dated: September 6, 2025

2 /s/ Randall S. Newman
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8 *Attorney for Plaintiff,*
9 *John Filax*



DMCA Lawyer <thedmcawyer@gmail.com>

Fwd: [S6BBDX47O3UHDFGS7GAUFIPTGY] New Copyright Counter Notification

1 message

johnfilax <johnfilax@gmail.com>
 To: DMCA Lawyer <thedmcawyer@gmail.com>

Sun, Jun 29, 2025 at 11:38 AM

Begin forwarded message:

From: YouTube Copyright <youtube-disputes+03lqriek0nm670h@google.com>
Date: May 9, 2025 at 12:35 AM
To: johnfilax <johnfilax@gmail.com>
Subject: Re: [S6BBDX47O3UHDFGS7GAUFIPTGY] New Copyright Counter Notification



We received a counter notification (below) in response to a [copyright removal request](#) that you submitted. A counter notification is a legal request for YouTube to reinstate a video that was removed due to a copyright removal request.

You have **10 US business days** to reply to this counter notification. Your response **must include evidence that you've taken legal action against the uploader** to keep the content from being reinstated to YouTube. Usually, evidence would include a lawsuit against the uploader, which names the YouTube URL(s) at issue and seeks a court order to restrain the alleged infringement.

Evidence should be submitted by replying directly to this email. Do not send your reply to copyright@youtube.com.

After 10 US business days, if we don't get a response from you, the content at issue may be reinstated to YouTube. You can find more information about the legal action you must take and what evidence is acceptable in our [Help Center](#).

- The YouTube Team

Counter Notification as follows:

Videos included in counter notification:

- <http://www.youtube.com/watch?v=FD1-lujdknk>

Display name of uploader: Bodycam Action

Dear YouTube Team, I am writing to appeal the removal of my video titled "Cops mess with the Wrong Person" (URL: <https://www.youtube.com/watch?v=FD1-lujdknk>), which was taken down following a copyright claim from John Filax. The original content used was from a video titled "TPA Police Stop The Wrong Guy _ READ THE DESCRIPTION!", and I acknowledge that it was included in my video. However, I believe the use of this content qualifies under fair use. I significantly transformed the original footage by: Adding my own original images including captions and text overlays Incorporating background music Making edits to structure and presentation that provide new context and meaning. My video is not a re-upload, but rather a repurposed and original work that aims to inform and engage viewers in a different way than the source material. It does not serve as a substitute for the original video and adds value through sharing my own perspective and creative editing. Based on these modifications and the intent behind the video, I believe it qualifies as fair use under U.S. copyright law. I respectfully request

a review of the strike and a reinstatement of my video. Thank you for your time and consideration. Sincerely, Muhammad Tayyab Channel: Bodycam Action

I swear, under penalty of perjury, that I have a good faith belief the material was removed due to a mistake or misidentification of the material to be removed or disabled.

I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant.

Muhammad Tayyab

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