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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

[REDACTED]

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SONY BMG MUSIC ENTERTAINMENT, )  
 a general partnership )  
 subsidiary of Sony )  
 Corporation of America )  
 )  
 Defendant. )

08 Civ. \_\_\_\_\_

COMPLAINT FOR CIVIL PENALTIES,  
INJUNCTION, AND OTHER RELIEF

Plaintiff, the United States of America, acting upon notification and authorization to the  
Attorney General by the Federal Trade Commission ("FTC" or "Commission"), for its

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter under 28 U.S.C. §§ 1331, 1337(a), 1345, and

[REDACTED]

3. Venue in this District is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b)-(c) and 1395(a).

**DEFINITIONS**

actual knowledge that it collects, uses, and/or discloses personal information from children.

7. Among other things, the Rule requires a subject website operator to meet specific

[REDACTED]

- g. Establishing and maintaining reasonable procedures to protect the confidentiality, security, and integrity of personal information collected

- 8. Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice in violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1). *See also* COPPA, 15 U.S.C. § 6502(c).

**DEFENDANT**

[REDACTED]

Numerous other Sony Music websites promoting the company's individual musical artists have collected a broad range of personal information through their registration

[REDACTED]

**DEFENDANT'S INFORMATION COLLECTION, USE,  
AND DISCLOSURE PRACTICES**

Defendant's online privacy policy, applicable to each website at issue in this complaint,

[REDACTED]

states that:

"If you are under 13 years of age, you should not provide any personally identifiable information on this site without the knowledge and permission of your parent or guardian. If you are under 13 years of age, you should not use our website that

[REDACTED]



providing parents with reasonable procedures to access their children's information and  
to refuse to permit its further use or maintenance.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



**DEFENDANT'S UNFAIR OR DECEPTIVE ACTS OR PRACTICES  
IN VIOLATION OF THE FTC ACT**

Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), provides that "unfair or deceptive acts or

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Section 1.98(d) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of not more than \$11,000 for each such violation of the Rule.

34. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), authorizes this Court to issue a permanent injunction against the defendant's violation of the FTC Act, as well as such

~~relief as the Court finds necessary to redress injury to consumers or other persons resulting from~~

35. Section 19 of the FTC Act, 15 U.S.C. § 57b, authorizes this Court to grant such relief as the Court finds necessary to redress injury to consumers or other persons resulting from

the defendant's violations of the Rule.

36. This Court, in the exercise of its equitable jurisdiction, may award ancillary relief to

~~consumers injured by the defendant's violations of the Rule and the FTC Act~~

