LEV L. DASSIN
Acting United States Attorney for the
Southern District of New York
By: TOMOKO ONOZAWA
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007

Tel.: (212) 637-2721 Fax: (212) 637-2686

E-mail: tomoko.onozawa@usdoj.gov

UNITED STATES DISTRICT O

UNITED STATES OF AMERICA,)
Plaintiff,)
V) 08 Civ
V.)
SONY BMG MUSIC ENTERTAINMENT, a general partnership subsidiary of Sony Corporation of America	COMPLAINT FOR CIVIL PENALTIES, INJUNCTION, AND OTHER RELIEF))
Defendant.	Ó

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

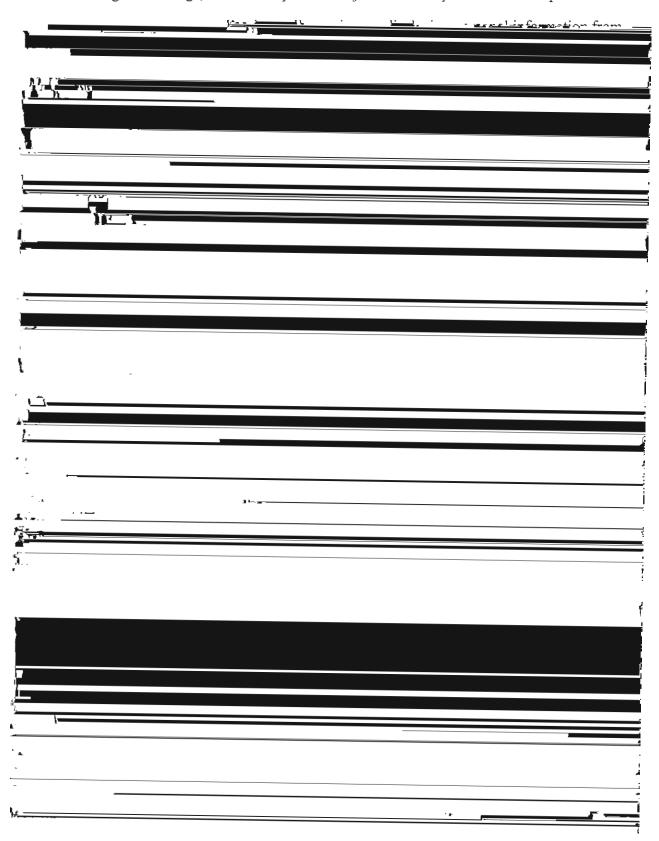
	2.	This Court has jurisdiction over this matter under 28 U.S.C. §§ 1331, 1337(a), 1345, and
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3. Venue in this District is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b)-(c) and 1395(a).

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

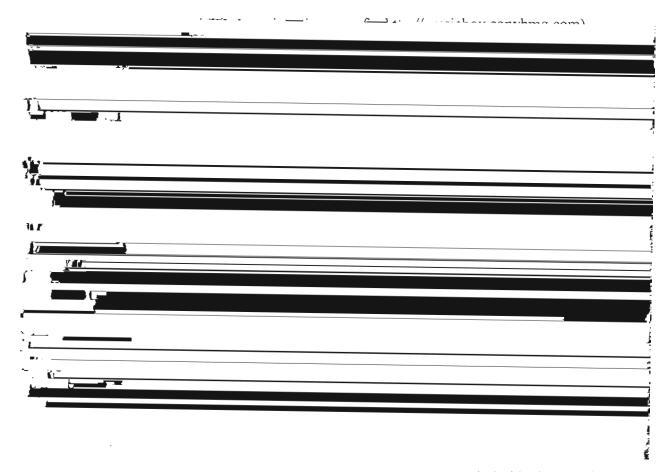


8. Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice in violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1). See also COPPA, 15 U.S.C. § 6502(c).

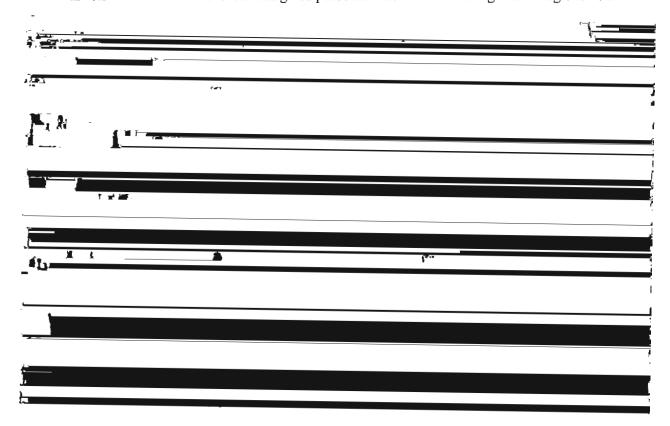
DEFENDANT

g.

Establishing and maintaining reasonable procedures to protect the



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

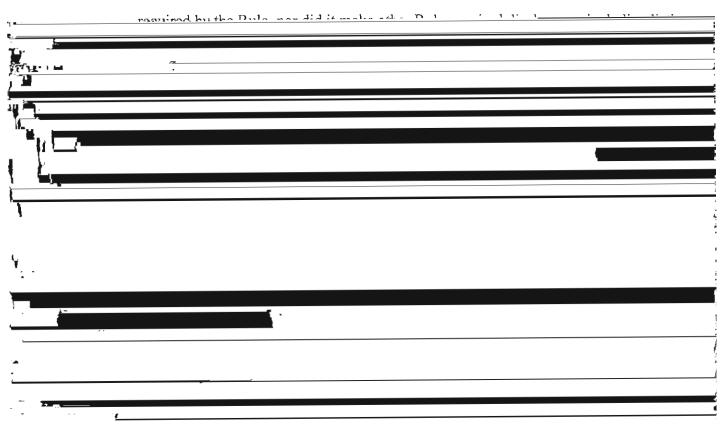


DEFENDANT'S INFORMATION COLLECTION, USE, AND DISCLOSURE PRACTICES

A Gaie's online privacy nolicy, applicable to each website at issue in this complaint, 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

their user profile, including any photos they may have uploaded, as well as their gender, age, city, and country. In addition, Sony Music made available to the public any reviews, comments, or other postings that children submitted in connection with their user profiles.

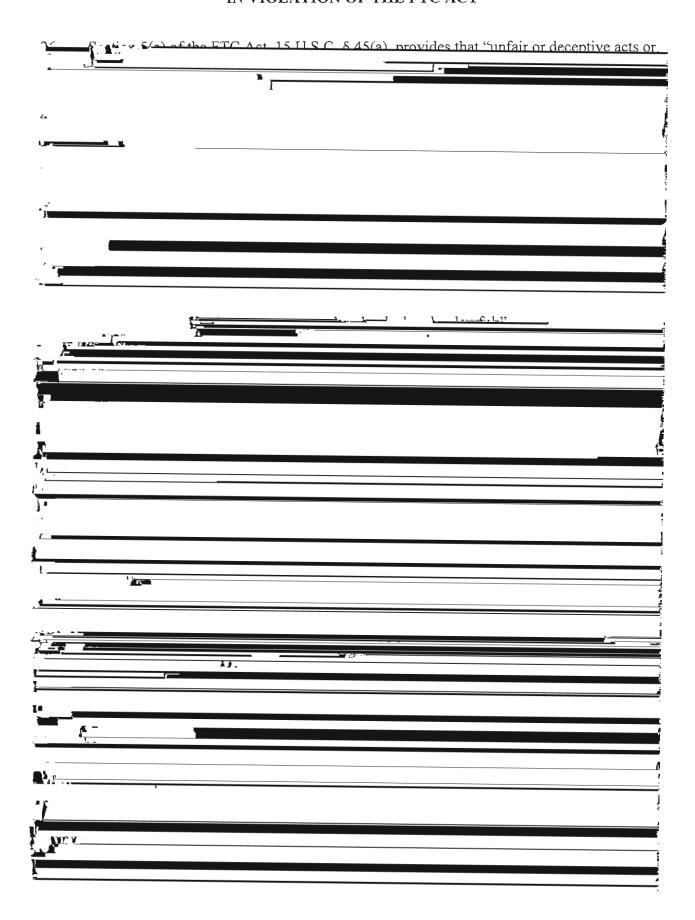
- 18. After collecting dates of birth from children indicating that they were under 13, Sony Music permitted children to enroll in fan clubs, through which they received periodic newsletters and artist announcements, sent directly to their email addresses or to their mobile phones.
- 19. As stated in Paragraph 15 above, Sony Music posted a notice of its information practices online. See Exhibit J. This notice did not clearly, completely, or accurately disclose all of the defendant's information collection, use, and disclosure practices for children, as



the telephone number and email address of all operators collecting or maintaining personal information from children.

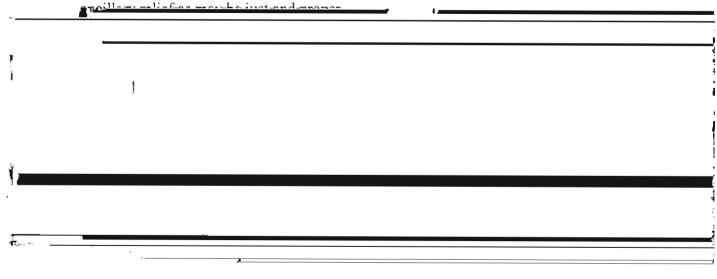
providing parents with reasonable procedures to access their children's information and

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

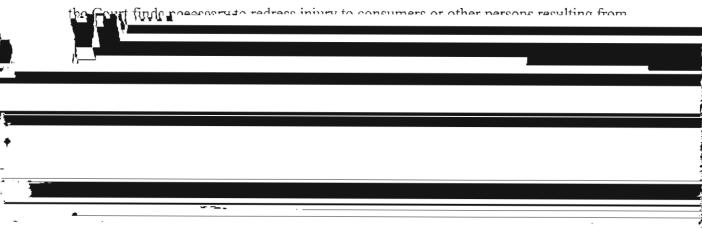


Section 1.98(d) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of not more than \$11,000 for each such violation of the Rule.

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



35. Section 19 of the FTC Act, 15 U.S.C. § 57b, authorizes this Court to grant such relief as



the defendant's violations of the Rule.

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

DATED: December 10, 2008

OF COUNSEL:

FOR THE UNITED STATES OF AMERICA:

MAMIE KRESSES
PHYLLIS HURWITZ MARCUS
Attorneys
Federal Trade Commission

GREGORY G. KATSAS Assistant Attorney General Civil Division U.S. Department of Justice

