

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

NEIL YOUNG dba SILVER FIDDLE  
MUSIC,

Plaintiff,

vs.

DONALD J. TRUMP FOR PRESIDENT,  
INC. and DOES 1 through 5,

Defendants.

----- X

Case No.

COMPLAINT FOR  
COPYRIGHT  
INFRINGEMENT

Plaintiff, by his undersigned attorneys, alleges:

1. This is a suit for copyright infringement under Title 17 of the United States Code. This complaint is not intended to disrespect the rights and opinions of American citizens, who are free to support the candidate of their choosing. However, Plaintiff in good conscience cannot allow his music to be used as a "theme song" for a divisive, un-American campaign of ignorance and hate.

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1338(a) and venue in this District is proper pursuant to 28 U.S.C. §1400(a).

3. Plaintiff alleges causes of action for copyright infringement based on Defendant's public performance of Plaintiff's copyrighted musical compositions.

THE PARTIES

4. Plaintiff is the owner of the copyrights in the musical works entitled *Rockin' in the Free World* and *Devil's Sidewalk*.

5. On information and belief, Defendant DONALD J. TRUMP FOR PRESIDENT, INC. (the "Campaign") is a corporation organized under the laws of the State of Virginia with its principal place of business located at 725 Fifth Avenue, New York, New York 10022.

6. At all relevant times, the Campaign did, and still does, conduct, control, manage and supervise the 2020 re-election campaign of Donald J. Trump.

7. The names, residences and capacities of the Defendants named herein as DOES 1 through 5 are unknown to Plaintiff at this time. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants is in some way liable, jointly and severally, to Plaintiff for the copyright infringement alleged herein. At such time as the fictitiously named Defendants are identified, Plaintiff will amend this Complaint to state each of their true names, capacities and residences.

8. Musical compositions were and are publicly performed at public events conducted, controlled, managed, supervised and arranged for by the Campaign.

FACTS

9. Plaintiff is the owner of the copyrights in the musical compositions *Rockin' in the Free World* and *Devil's Sidewalk*, registration numbers PA0000449267 and PAu002764048, respectively (the "Songs"). Attached hereto as Exhibits A and B are true and correct copies of the US Copyright Office records concerning those registrations.

10. The Campaign has publicly played both *Rockin' in the Free World* and *Devil's Sidewalk* numerous times at rallies and political events for the entertainment and amusement of those attending those rallies and political events. The Campaign played both Songs at a rally in Tulsa, Oklahoma on June 20, 2020.

11. The Campaign does not now have, and did not at the time of the Tulsa rally, have a license or Plaintiff's permission to play the two Songs at any public political event.

12. Plaintiff has continuously and publicly objected to the use by the Campaign of the Songs. The first such objection was in connection with Trump's playing of *Rockin' in the Free World* at his June 16, 2015, announcement that he was running for president. In response, the Campaign issued a statement stating that it had procured a licence to do so, thus acknowledging that it knew a license is required.

13. The Campaign has willfully ignored Plaintiff's telling it not to play the Songs and willfully proceeded to play the Songs despite its lack of a license and despite its knowledge that a license is required to do so.

FIRST CLAIM FOR RELIEF  
FOR COPYRIGHT INFRINGEMENT  
AGAINST ALL DEFENDANTS

14. Plaintiff repeats and incorporates by reference the allegations contained in Paragraphs 1 through 13 above as though fully set forth.

15. The acts of the Campaign and DOES 1 through 5 constitute copyright infringement under Title 17 of the United States Code.

16. The Campaign and DOES 1 through 5 acted willfully and in conscious disregard for Plaintiff's rights.

17. As a direct and proximate result of Defendants' infringements, Plaintiff has suffered and continues to suffer great injury which cannot be accurately computed and unless the Court restrains Defendants from the further commission of such acts, Plaintiff will suffer irreparable injury for which Plaintiff is without adequate remedy at law.

18. Plaintiff is entitled to an award of statutory damages in the maximum amount allowed for willful copyright infringement.

WHEREFORE, Plaintiff prays for relief as follows:

1. That Defendants and all persons acting under the direction, control or authority of Defendants be enjoined preliminarily and permanently from publicly performing the Songs – or any musical compositions owned by Plaintiff – and from causing or permitting the Songs to be publicly performed at public events conducted, controlled, managed, supervised or arranged for by the Campaign and/or aiding or abetting the public performance of the Songs in any such place.

2. That Defendants be ordered to pay such statutory damages as to the Court shall appear just as specified in 17 U.S.C. §504(c)(1), that is not more than One Hundred Fifty Thousand Dollars (\$150,000.00) nor less than Seven Hundred Fifty Dollars (\$750.00) for each infringement.

3. That Defendants be ordered to pay Plaintiff his costs of suit herein, including reasonable attorney's fees.

4. For such other relief as the Court may deem just and equitable.

Dated: New York, New York  
August \_\_, 2020

Respectfully submitted,

By: Ivan Saperstein  
Ivan Saperstein  
SILVERSTEIN & SAPERSTEIN  
494 8<sup>TH</sup> Avenue 6<sup>th</sup> Floor  
New York, New York 10001  
[ivan@ivansaperstein.com](mailto:ivan@ivansaperstein.com)  
(212) 321-7081

By: Robert S. Besser  
Robert S. Besser  
(*Pro hac vice* application forthcoming)  
LAW OFFICES OF ROBERT S. BESSER  
100 Wilshire Boulevard, Suite 700  
Santa Monica, CA 90401  
(310) 394-6611 Tel.  
[rsbesser@aol.com](mailto:rsbesser@aol.com)

*Attorneys for Plaintiff*

EXHIBIT A

CERTIFICATE OF COPYRIGHT REGISTRATION

FORM PA UNITED STATES COPYRIGHT OFFICE



OFFICIAL SEAL

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

Handwritten signature of the Register of Copyrights

REGISTER OF COPYRIGHTS United States of America

REGISTRATION NUMBER

PA 419 267

EFFECTIVE DATE OF REGISTRATION

NOV 13 1989

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK

"ROCKIN' IN THE FREE WORLD"

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instructions

MUSIC & LYRICS

(SUBMITTED WITH CASSETTE TAPE/REC.#1/4/2-25899)

NAME OF AUTHOR

NEIL YOUNG

DATES OF BIRTH AND DEATH

Year Born 1945 Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

Citizen of OR Domiciled in USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Pseudonymous? Yes No Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

MUSIC & LYRICS

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

Citizen of OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Pseudonymous? Yes No Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

Citizen of OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Pseudonymous? Yes No Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED 1989

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Month 10 Day 3 Year 1989 U.S.A.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

SILVER FIDDLE c/o E.G. MUSIC, INC. 9157 SUNSET BLVD. #215 LOS ANGELES, CA 90069

APPLICATION RECEIVED NOV. 13. 1989 ONE DEPOSIT RECEIVED NOV. 13. 1989 TWO DEPOSITS RECEIVED

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

SILVER FIDDLE IS THE FICTITIOUS BUSINESS NAME OF THE AUTHOR.

REMITTANCE NUMBER AND DATE

MORE ON BACK Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE Page 1 of 2 pages

NOTE

Under the law, the "author" of a

Vertical text on the left margin: REFERENCE TO COPYRIGHTED MATERIAL



3

4

See instructions before completing this space



PA 449 267

EXAMINED *✓*

FORM PA

CHECKED BY

CORRESPONDENCE  
Yes

DEPOSIT ACCOUNT  
FUNDS USED

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

**DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.**

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

This is the first published edition of a work previously registered in unpublished form.

This is the first application submitted by this author as copyright claimant.

This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: **Previous Registration Number** ▼

**Year of Registration** ▼

5

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼

6

b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

See instructions  
before completing  
this space

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

7

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip ▼

LINDA KOMORSKY

SILVER FIDDLE c/o E.G. MUSIC, INC.

9157 SUNSET BLVD. #215

LOS ANGELES, CA 90069

Area Code & Telephone Number ▶ (213) 274-2814

Be sure to  
give your  
daytime phone  
number

**CERTIFICATION\*** I, the undersigned, hereby certify that I am the

Check only one ▼

author

other copyright claimant

owner of exclusive right(s)

authorized agent of SILVER FIDDLE

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

**Typed or printed name and date** ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.

LINDA KOMORSKY

date ▶ 10/5/89

**Handwritten signature (X)** ▼

*Linda Komorsky*

**MAIL  
CERTIFI-  
CATE TO**

**Certificate  
will be  
mailed in  
window  
envelope**

Name ▼	SILVER FIDDLE c/o E.G. MUSIC, INC.
Number/Street/Apartment Number ▼	9157 SUNSET BLVD. #215
City/State/ZIP ▼	LOS ANGELES, CA 90069

**Have you:**

- Completed all necessary spaces?
- Signed your application in space 8?
- Enclosed check or money order for \$10 payable to Register of Copyrights?
- Enclosed your deposit material with the application and fee?

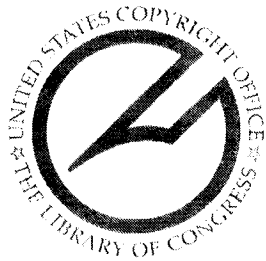
**MAIL TO:** Register of Copyrights, Library of Congress, Washington, D.C. 20559

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\* 17 U.S.C. § 506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

**EXHIBIT B**

**CERTIFICATE OF REGISTRATION**



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

REGISTER OF COPYRIGHTS  
United States of America

**FORM PA**  
For a Work of the Performing Arts  
REGISTRATION OFFICE

PAU 2-764-048  
[Barcode]

EFFECTIVE DATE OF REGISTRATION

04 28 03  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1** TITLE OF THIS WORK ▼  
Devil's Sidewalk

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions  
Song containing words and music

**2 a** NAME OF AUTHOR ▼ Neil Young

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
 Yes  No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR { Citizen of ► USA  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Words and Music Briefly describe nature of material created by this author in which copyright is claimed. ▼

**b** NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
 Yes  No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR { Citizen of ►  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

**c** NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
 Yes  No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR { Citizen of ►  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

**3 a** YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED  
2003 ← Year

**b** DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
Complete this information ONLY if this work has been published. Month ► Day ► Year ►

**4** COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼  
Silver Fiddle Music c/o Wixen Music Publishing, Inc.  
24025 Park Sorrento, Suite 130, Calabasas, CA 91302

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼  
By Assignment

APPLICATION RECEIVED  
APR 28 2003  
ONE DEPOSIT RECEIVED  
APR 28 2003  
TWO DEPOSITS RECEIVED

FUNDS RECEIVED

See instructions before completing this space

DO NOT WRITE HERE OFFICE USE ONLY

EXAMINED BY TAM FORM PA  
 CHECKED BY \_\_\_\_\_  
 CORRESPONDENCE  
 Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?  
 Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼ If your answer is "no," go to space 7.

5

- a.  This is the first published edition of a work previously registered in unpublished form.
- b.  This is the first application submitted by this author as copyright claimant.
- c.  This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
 Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a 6

See instructions before completing this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
 Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼  
 Erik Szabo - Wixen Music Publishing, Inc.  
 24025 Park Sorrento, Suite 130  
 Calabasas, CA 91302

b

Area code and daytime telephone number ▶ ( 818 ) 591-7355 Fax number ▶ ( 818 ) 591-7178  
 Email ▶ eszabo@wixenmusic.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the  
 Check only one ▶  author  
 other copyright claimant  
 owner of exclusive right(s)  
 authorized agent of Silver Fiddle Music  
 Name of author or other copyright claimant, or owner of exclusive right(s) ▲  
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.  
 Randall Wixen Date ▶ 4/24/03

Handwritten signature (X) ▼  
 X 

Certificate will be mailed in window envelope to this address:

Name ▼	Wixen Music Publishing, Inc.
Number/Street/Apt ▼	24025 Park Sorrento, Suite 130
City/State/ZIP ▼	Calabasas, CA 91302

YOU MUST:  
 • Complete all necessary spaces  
 • Sign your application in space 8

SEND ALL 3 ELEMENTS TO THE BASIC PACKAGE:  
 1. Application form  
 2. Nonrefundable filing fee in check or money order payable to Register of Copyrights  
 3. Deposit material

MAIL TO:  
 Library of Congress  
 Copyright Office  
 101 Independence Avenue, S.E.  
 Washington, D.C. 20559-6000

As of July 1, 1999, the filing fee for Form PA is \$50.

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\* This certification is required for copyright registration provided by the Copyright Office or in any written statement filed in