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PEERMUSIC LTD., UNIVERSAL  
8 MUSIC PUBLISHING GROUP,  
UMG RECORDINGS, INC., and  
9 WARNER MUSIC GROUP

10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

15 JOHANNSONGS - PUBLISHING,  
LTD.,

16 Plaintiff,

17 v.

18 ROLF LOVLAND; BRENDAN  
19 GRAHAM; PEERMUSIC, LTD.;  
UNIVERSAL MUSIC PUBLISHING  
20 GROUP; WARNER MUSIC GROUP;  
UMG RECORDING, INC.; APPLE,  
21 INC.; SPOTIFY TECHNOLOGY S.A.;  
AND DOES 1 - 20,

22 Defendants.  
23  
24

Case No.: 2:18-cv-10009-AB-SS

Assigned to Hon. Andre Birotte Jr.  
Courtroom: 7B

**DEFENDANTS PEERMUSIC  
LTD., UNIVERSAL-POLYGRAM  
INTERNATIONAL PUBLISHING,  
INC., UMG RECORDINGS, INC.,  
AND WARNER BROS. RECORDS  
INC.'S ANSWER TO THE  
COMPLAINT**

1 Defendants Peermusic Ltd., Universal-Polygram International Publishing,  
2 Inc. (“Universal-Polygram”) (incorrectly sued as Universal Music Publishing  
3 Group), UMG Recordings, Inc., and Warner Bros. Records Inc. (incorrectly sued as  
4 Warner Music Group) (collectively, “Defendants”), by and through their  
5 undersigned counsel, answer the Complaint of Plaintiff Johannsongs - Publishing,  
6 Ltd. (“Plaintiff”) as follows:

7 1. Defendants deny the allegations contained in Paragraph 1 of the  
8 Complaint, except Defendants admit that Plaintiff purports to seek declaratory and  
9 injunctive relief and damages in this action.

10 2. Defendants lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations contained in Paragraph 2 of the Complaint, and on that  
12 basis Defendants deny said allegations. Defendants specifically deny that “You  
13 Raise Me Up” is an unauthorized derivative version of, or copies any music or  
14 lyrical theme from, “Soknudur.”

15 3. Defendants deny the allegations contained in Paragraph 3 of the  
16 Complaint, except Defendants admit that an album titled “Once in a Red Moon”  
17 performed by the group Secret Garden, of which Rolf Løvland was a member, was  
18 released in 2001 and continues to be sold. Defendants specifically deny that “You  
19 Raise Me Up” is an unauthorized derivative version of “Soknudur.”

20 4. Defendants deny the allegations contained in Paragraph 4 of the  
21 Complaint, except Defendants admit that an album titled “Closer” containing the  
22 song “You Raise Me Up” performed by Josh Groban and produced by David Foster  
23 was released in 2003 and continues to be sold. Defendants specifically deny that  
24 “You Raise Me Up” is derivative of any work by Johann Helgason.

25 5. Defendants lack knowledge or information sufficient to form a belief as  
26 to the truth of the allegations contained in Paragraph 5 of the Complaint, and on that  
27 basis Defendants deny said allegations. Defendants specifically deny that “You  
28 Raise Me Up” is Johann Helgason’s unauthorized derivate work.

1           6. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in Paragraph 6 of the Complaint, and on that  
3 basis Defendants deny said allegations, except Defendants admit that various  
4 recordings of “You Raise Me Up” are available on iTunes and Spotify. Defendants  
5 specifically deny that “You Raise Me Up” is an unauthorized derivative version of  
6 “Soknudur.”

7           7. Defendants lack knowledge or information sufficient to form a belief as  
8 to the truth of the allegations contained in Paragraph 7 of the Complaint, and on that  
9 basis deny the allegations contained therein. To the extent Paragraph 7 of the  
10 Complaint purports to quote a third-party source, Defendants refer the Court to that  
11 source for the contents thereof.

12           8. Defendants lack knowledge or information sufficient to form a belief as  
13 to the truth of the allegations contained in Paragraph 8 of the Complaint, and on that  
14 basis deny the allegations contained therein.

15           9. Defendants deny the allegations contained in Paragraph 9 of the  
16 Complaint, except they lack knowledge or information sufficient to form a belief as  
17 to Johann Helgason’s purported lack of funds, and on that basis Defendants deny  
18 said allegations.

19           10. Defendants admit that Plaintiff purports to assert a claim of copyright  
20 infringement which arises under the United States Copyright Act and over which the  
21 federal courts have exclusive jurisdiction pursuant to 28 U.S.C. § 1331 and 1338.

22           11. Defendants deny the allegations contained in Paragraph 11 of the  
23 Complaint to the extent they relate to Defendants. Defendants lack knowledge or  
24 information sufficient to form a belief as to the truth of the allegations contained in  
25 Paragraph 11 of the Complaint to the extent they relate to other Defendants in this  
26 action, and on that basis Defendants deny said allegations.

27           12. Defendants deny the allegations contained in Paragraph 12 of the  
28 Complaint, except Defendants do not challenge venue of this action in this District.

1 Defendants specifically deny that they have committed any unlawful acts of  
2 infringement.

3 13. Defendants lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations contained in Paragraph 13 of the Complaint, and on  
5 that basis Defendants deny said allegations.

6 14. Defendants lack knowledge or information sufficient to form a belief as  
7 to the truth of the allegations contained in Paragraph 14 of the Complaint, and on  
8 that basis Defendants deny said allegations.

9 15. Defendants lack knowledge or information sufficient to form a belief as  
10 to the truth of the allegations contained in Paragraph 15 of the Complaint, and on  
11 that basis Defendants deny said allegations.

12 16. Defendants lack knowledge or information sufficient to form a belief as  
13 to the truth of the allegations contained in Paragraph 16 of the Complaint, and on  
14 that basis Defendants deny said allegations. To the extent Paragraph 16 of the  
15 Complaint purports to paraphrase a third-party source, Defendants refer the Court to  
16 that source for the contents thereof. Defendants specifically deny that “You Raise  
17 Me Up” is an unauthorized derivative work.

18 17. Defendants lack knowledge or information sufficient to form a belief as  
19 to the truth of the allegations contained in Paragraph 17 of the Complaint, and on  
20 that basis Defendants deny said allegations. To the extent Paragraph 17 of the  
21 Complaint purports to paraphrase a third-party source, Defendants refer the Court to  
22 that source for the contents thereof. Defendants specifically deny that “You Raise  
23 Me Up” is an unauthorized derivative version of “Soknudur.”

24 18. Defendants lack knowledge or information sufficient to form a belief as  
25 to the truth of the allegations contained in Paragraph 18 of the Complaint, and on  
26 that basis Defendants deny said allegations. To the extent Paragraph 18 of the  
27 Complaint purports to paraphrase a third-party source, Defendants refer the Court to  
28 that source for the contents thereof.

1 19. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in Paragraph 19 of the Complaint, and on  
3 that basis Defendants deny said allegations. Defendants specifically deny that “You  
4 Raise Me Up” is an unauthorized derivative version of “Soknudur.”

5 20. Defendants lack knowledge or information sufficient to form a belief as  
6 to the truth of the allegations contained in Paragraph 20 of the Complaint, and on  
7 that basis Defendants deny said allegations. To the extent Paragraph 20 of the  
8 Complaint purports to paraphrase a third-party source, Defendants refer the Court to  
9 that source for the contents thereof.

10 21. Defendants lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations contained in Paragraph 21 of the Complaint, and on  
12 that basis Defendants deny said allegations.

13 22. Defendants lack knowledge or information sufficient to form a belief as  
14 to the truth of the allegations contained in Paragraph 22 of the Complaint, and on  
15 that basis Defendants deny said allegations.

16 23. Defendants lack knowledge or information sufficient to form a belief as  
17 to the truth of the allegations contained in Paragraph 23 of the Complaint, and on  
18 that basis Defendants deny said allegations. To the extent Paragraph 23 of the  
19 Complaint purports to quote a third-party source, Defendants refer the Court to that  
20 source for the contents thereof.

21 24. Defendants lack knowledge or information sufficient to form a belief as  
22 to the truth of the allegations contained in Paragraph 24 of the Complaint, and on  
23 that basis Defendants deny said allegations. To the extent Paragraph 24 of the  
24 Complaint purports to quote a third-party source, Defendants refer the Court to that  
25 source for the contents thereof. Defendants specifically deny that “You Raise Me  
26 Up” is an unauthorized derivative version of “Soknudur.”

27 25. Defendants lack knowledge or information sufficient to form a belief as  
28 to the truth of the allegations contained in Paragraph 25 of the Complaint, and on

1 that basis Defendants deny said allegations. Defendants specifically deny that “You  
2 Raise Me Up” infringes any copyright in “Soknudur.”

3 26. Defendants lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations contained in Paragraph 26 of the Complaint, and on  
5 that basis Defendants deny said allegations.

6 27. Defendants lack knowledge or information sufficient to form a belief as  
7 to the truth of the allegations contained in Paragraph 27 of the Complaint, and on  
8 that basis Defendants deny said allegations. To the extent Paragraph 27 of the  
9 Complaint purports to paraphrase and quote a third-party source, Defendants refer  
10 the Court to that source for the contents thereof. Defendants specifically deny that  
11 “You Raise Me Up” was copied or plagiarized from “Soknudur.”

12 28. Defendants lack knowledge or information sufficient to form a belief as  
13 to the first sentence of Paragraph 28 of the Complaint, and on that basis Defendants  
14 deny said allegations, except that Defendants admit that Brendan Graham has been  
15 credited with writing the lyrics to “You Raise Me Up.” Defendants specifically  
16 deny that “You Raise Me Up” is an unauthorized derivative version of “Soknudur.”  
17 Defendants deny the allegations contained in the second sentence of Paragraph 28.  
18 Defendants lack knowledge or information sufficient to form a belief as to the truth  
19 of the allegations contained in the third sentence of Paragraph 28 as to Plaintiff’s  
20 motivation for naming Brendan Graham as a defendant in this action. Defendants  
21 specifically deny that “You Raise Me Up” infringes any copyright in “Soknudur.”

22 29. Defendant Peermusic Ltd. denies the allegations contained in Paragraph  
23 29 of the Complaint, except it admits that it is engaged in the business of music  
24 publishing, that it has offices in Burbank, California, and that the website  
25 [www.peermusic.com](http://www.peermusic.com) contains information concerning “You Raise Me Up”.  
26 Defendants Universal-Polygram, UMG Recordings, Inc., and Warner Bros. Records  
27 Inc. lack knowledge or information sufficient to form a belief as to the truth of the  
28 allegations contained in Paragraph 29 of the Complaint, and on that basis they deny

1 said allegations. Defendants specifically deny that “You Raise Me Up” is an  
2 unauthorized derivative work.

3 30. Defendant Universal-Polygram denies the allegations contained in  
4 Paragraph 30 of the Complaint, except it admits that it is engaged in the business of  
5 music publishing, and that the website [www.umusicpub.com/us](http://www.umusicpub.com/us) contains  
6 information concerning “You Raise Me Up.” Defendants Peermusic Ltd., UMG  
7 Recordings, Inc. and Warner Bros. Records Inc. lack knowledge or information  
8 sufficient to form a belief as to the truth of the allegations contained in Paragraph 30  
9 of the Complaint, and on that basis they deny said allegations. Defendants  
10 specifically deny that “You Raise Me Up” is an unauthorized derivative work.

11 31. Defendant Warner Bros. Records Inc. denies the allegations contained  
12 in Paragraph 31, except it admits that it is a Delaware corporation, that it has offices  
13 in Los Angeles County, California, and that it has authorized, via its Reprise label,  
14 the sale of recordings of “You Raise Me Up” performed by Josh Groban and  
15 produced by David Foster, including on the album “Closer.” Defendants Peermusic  
16 Ltd., UMG Recordings, Inc. and Universal-Polygram lack knowledge or  
17 information sufficient to form a belief as to the truth of the allegations contained in  
18 Paragraph 31 of the Complaint, and on that basis they deny said allegations.  
19 Defendants specifically deny that “You Raise Me Up” is an unauthorized derivative  
20 version of “Soknudur,” and that any permission or authorization from Plaintiff was  
21 required in order to sell or otherwise exploit “You Raise Me Up.”

22 32. Defendant UMG Recordings, Inc. denies the allegations contained in  
23 Paragraph 32 to the extent they relate to UMG Recordings, Inc., except UMG  
24 Recordings, Inc. admits that it is a Delaware corporation. Defendant UMG  
25 Recordings, Inc. lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations contained in Paragraph 32 to the extent they relate to entities  
27 other than UMG Recordings, Inc., and on that basis it denies said allegations.  
28 Defendants Peermusic Ltd., Universal-Polygram and Warner Bros. Records Inc.

1 lack knowledge or information sufficient to form a belief as to the truth of the  
2 allegations contained in Paragraph 32 of the Complaint, and on that basis they deny  
3 said allegations. Defendants specifically deny that “You Raise Me Up” is an  
4 unauthorized derivative work.

5 33. Defendants lack knowledge or information sufficient to form a belief as  
6 to the truth of the allegations contained in Paragraph 33 of the Complaint, and on  
7 that basis Defendants deny said allegations. Defendants specifically deny that “You  
8 Raise Me Up” is an unauthorized version of “Soknudur.”

9 34. Defendants lack knowledge or information sufficient to form a belief as  
10 to the truth of the allegations contained in Paragraph 34 of the Complaint, and on  
11 that basis Defendants deny said allegations. Defendants specifically deny that “You  
12 Raise Me Up” is an unauthorized version of “Soknudur.”

13 35. Defendants deny the allegations contained in Paragraph 35 of the  
14 Complaint to the extent they relate to Defendants. Defendants lack knowledge or  
15 information sufficient to form a belief as to the truth of the allegations contained in  
16 Paragraph 35 of the Complaint to the extent they relate to the other Defendants in  
17 this action, and on that basis Defendants deny said allegations.

18 36. Defendants lack knowledge or information sufficient to form a belief as  
19 to the truth of the allegations contained in the first sentence of Paragraph 36 of the  
20 Complaint, and on that basis Defendants deny said allegations. Defendants state  
21 that no response to the second and third sentences of Paragraph 36 of the Complaint  
22 is required, as those sentences do not contain factual allegations. To the extent a  
23 response is required, Defendants deny said allegations. Further, Defendants object  
24 to the third sentence of Paragraph 36 of the Complaint insofar as it constitutes  
25 impermissible group pleading.

26 37. Defendants deny the allegations contained in in Paragraph 37 of the  
27 Complaint.

28



1           38. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in Paragraph 38 of the Complaint, and on  
3 that basis Defendants deny said allegations.

4           39. Defendants lack knowledge or information sufficient to form a belief as  
5 to the truth of the allegations contained in Paragraph 39 of the Complaint, and on  
6 that basis Defendants deny said allegations.

7           40. Defendants lack knowledge or information sufficient to form a belief as  
8 to the truth of the allegations contained in Paragraph 40 of the Complaint, and on  
9 that basis Defendants deny said allegations.

10           41. Defendants lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations contained in Paragraph 41 of the Complaint, and on  
12 that basis Defendants deny said allegations.

13           42. Defendants lack knowledge or information sufficient to form a belief as  
14 to the truth of the allegations contained in Paragraph 42 of the Complaint, and on  
15 that basis Defendants deny said allegations, except Defendants admit that the  
16 website [www.discogs.com](http://www.discogs.com) indicates that a recording of “You Raise Me Up” was  
17 included as a track on an album titled “Secret Garden – Once in a Red Moon”  
18 released by Mercury in 2001 and later by Decca. Defendants specifically deny that  
19 “You Raise Me Up” copies from “Soknudur.”

20           43. Defendants deny the allegations contained in Paragraph 43 of the  
21 Complaint, except they admit that Rolf Løvland has been credited for the music, and  
22 Brendan Graham has been credited for the lyrics, of “You Raise Me Up.”

23           44. Defendants state that no response to Paragraph 44 of the Complaint is  
24 required, insofar as it purports to translate and characterize song lyrics. Defendants  
25 refer the Court to the content of those lyrics, which speak for themselves. To the  
26 extent a response is required, Defendants deny the allegations contained in  
27 Paragraph 44.

28

1           45. Defendants deny the allegations contained in Paragraph 45 of the  
2 Complaint.

3           46. Defendants state that no response to Paragraph 46 of the Complaint is  
4 required, insofar as it purports to translate and characterize the song lyrics.  
5 Defendants refer the Court to the content of those lyrics, which speak for  
6 themselves. To the extent a response is required, Defendants deny the allegations  
7 contained in Paragraph 46.

8           47. Defendants lack knowledge or information sufficient to form a belief as  
9 to the truth of the allegations contained in Paragraph 47 of the Complaint, and on  
10 that basis Defendants deny said allegations, except Defendants admit that Brian  
11 Kennedy performed a version of “You Raise Me Up” with the group Secret Garden  
12 that was released in 2002, and that Josh Groban performed a version of “You Raise  
13 Me Up” that was released in 2003, which reached number 1 on Billboard’s Adult  
14 Contemporary chart.

15           48. Defendants lack knowledge or information sufficient to form a belief as  
16 to the truth of the allegations contained in Paragraph 48 of the Complaint, and on  
17 that basis Defendants deny said allegations. To the extent Paragraph 48 of the  
18 Complaint purports to paraphrase a third-party website, Defendants refer the Court  
19 to that website for the contents thereof.

20           49. Defendants lack knowledge or information sufficient to form a belief as  
21 to the truth of the allegations contained in Paragraph 49 of the Complaint, and on  
22 that basis Defendants deny said allegations.

23           50. Defendants lack knowledge or information sufficient to form a belief as  
24 to the truth of the allegations contained in Paragraph 50 of the Complaint, and on  
25 that basis Defendants deny said allegations.

26           51. Defendants lack knowledge or information sufficient to form a belief as  
27 to the truth of the allegations contained in Paragraph 51 of the Complaint, and on  
28 that basis Defendants deny said allegations. To the extent Paragraph 51 of the

1 Complaint purports to paraphrase third-party sources, Defendants refer the Court to  
2 those sources for the contents thereof.

3 52. Defendants lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations contained in Paragraph 52 of the Complaint, and on  
5 that basis Defendants deny said allegations, except Defendants admit that “You  
6 Raise Me Up” has been performed at various events in the United States.

7 53. Defendants deny the allegations contained in Paragraph 53 of the  
8 Complaint to the extent they relate to the Defendants. Defendants lack knowledge  
9 or information sufficient to form a belief as to the truth of the allegations contained  
10 in Paragraph 53 of the Complaint to the extent they relate to the other Defendants in  
11 this action, and on that basis Defendants deny said allegations. Defendants  
12 specifically deny that “You Raise Me Up” infringes upon any copyright in  
13 “Soknudur.”

14 54. Defendants deny the allegations contained in Paragraph 54 of the  
15 Complaint.

16 55. Defendants lack knowledge or information sufficient to form a belief as  
17 to the truth of the allegations contained in Paragraph 55 of the Complaint, and on  
18 that basis Defendants deny said allegations.

19 56. Defendants lack knowledge or information sufficient to form a belief as  
20 to the truth of the allegations contained in Paragraph 56 of the Complaint, and on  
21 that basis Defendants deny said allegations.

22 57. Defendants lack knowledge or information sufficient to form a belief as  
23 to the truth of the allegations contained in Paragraph 57 of the Complaint, and on  
24 that basis Defendants deny said allegations.

25 58. Defendants lack knowledge or information sufficient to form a belief as  
26 to the truth of the allegations contained in Paragraph 58 of the Complaint, and on  
27 that basis Defendants deny said allegations.  
28

1           59. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in Paragraph 59 of the Complaint, and on  
3 that basis Defendants deny said allegations.

4           60. Defendants lack knowledge or information sufficient to form a belief as  
5 to the truth of the allegations contained in Paragraph 60 of the Complaint, and on  
6 that basis Defendants deny said allegations.

7           61. Defendants lack knowledge or information sufficient to form a belief as  
8 to the truth of the allegations contained in Paragraph 61 of the Complaint, and on  
9 that basis Defendants deny said allegations.

10          62. Defendants lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations contained in Paragraph 62 of the Complaint, and on  
12 that basis Defendants deny said allegations.

13          63. Defendants lack knowledge or information sufficient to form a belief as  
14 to the truth of the allegations contained in Paragraph 63 of the Complaint, and on  
15 that basis Defendants deny said allegations.

16          64. Defendants lack knowledge or information sufficient to form a belief as  
17 to the truth of the allegations contained in Paragraph 64 of the Complaint, and on  
18 that basis Defendants deny said allegations.

19          65. Defendants lack knowledge or information sufficient to form a belief as  
20 to the truth of the allegations contained in Paragraph 65 of the Complaint, and on  
21 that basis Defendants deny said allegations.

22          66. Defendants lack knowledge or information sufficient to form a belief as  
23 to the truth of the allegations contained in Paragraph 66 of the Complaint, and on  
24 that basis Defendants deny said allegations.

25          67. Defendants lack knowledge or information sufficient to form a belief as  
26 to the truth of the allegations contained in Paragraph 67 of the Complaint, and on  
27 that basis Defendants deny said allegations.

28

1           68. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in Paragraph 68 of the Complaint, and on  
3 that basis Defendants deny said allegations.

4           69. Defendants lack knowledge or information sufficient to form a belief as  
5 to the truth of the allegations contained in Paragraph 69 of the Complaint, and on  
6 that basis Defendants deny said allegations.

7           70. Defendants deny the allegations contained in Paragraph 70 of the  
8 Complaint.

9           71. Defendants lack knowledge or information sufficient to form a belief as  
10 to the truth of the allegations contained in Paragraph 71 of the Complaint, and on  
11 that basis Defendants deny said allegations. To the extent Paragraph 71 of the  
12 Complaint purports to paraphrase a third-party source, Defendants refer the Court to  
13 that source for the contents thereof.

14           72. Defendants lack knowledge or information sufficient to form a belief as  
15 to the truth of the allegations contained in the first sentence of Paragraph 72, and on  
16 that basis Defendants deny said allegations. Defendants deny the allegations  
17 contained in the second and third sentences of Paragraph 72 of the Complaint.

18           73. Defendants deny the allegations contained in the first and second  
19 sentences of Paragraph 73 of the Complaint. Defendants lack knowledge or  
20 information sufficient to form a belief as to the truth of the allegations contained in  
21 the third sentence of Paragraph 73 of the Complaint, and on that basis Defendants  
22 deny said allegations. To the extent the third sentence of Paragraph 73 of the  
23 Complaint purports to paraphrase a third-party source, Defendants refer the Court to  
24 that source for the contents thereof.

25           74. Defendants lack knowledge or information sufficient to form a belief as  
26 to the truth of the allegations contained in Paragraph 74 of the Complaint, and on  
27 that basis Defendants deny said allegations.

28

1           75. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in Paragraph 75 of the Complaint, and on  
3 that basis Defendants deny said allegations. To the extent Paragraph 75 of the  
4 Complaint purports to quote and paraphrase a third-party source, Defendants refer  
5 the Court to that source for the contents thereof.

6           76. Defendants lack knowledge or information sufficient to form a belief as  
7 to the truth of the allegations contained in Paragraph 76 of the Complaint, and on  
8 that basis Defendants deny said allegations. Defendants specifically deny that “You  
9 Raise Me Up” is a derivative of “Soknudur” or that “Soknudur” is the “musical  
10 foundation and essential backbone” of “You Raise Me Up.” Defendants further  
11 deny that any authorization from or credit to Plaintiff or Johann Helgason was  
12 required in order to create or exploit “You Raise Me Up.”

13           77. Defendants deny the allegations contained in Paragraph 77, except they  
14 admit that Rolf Løvland created the music to “You Raise Me Up.” Defendants deny  
15 that any permission or authorization from Plaintiff was required to create “You  
16 Raise Me Up.”

17           78. Defendants deny the allegations contained in Paragraph 78 of the  
18 Complaint.

19           79. Defendants deny the allegations contained in Paragraph 79 of the  
20 Complaint, except they admit that “You Raise Me Up” has been recorded numerous  
21 times, including a performance by Josh Groban. Defendants specifically deny that  
22 “You Raise Me Up” is an unauthorized derivative work, or that any permission or  
23 authorization from Plaintiff was required to record “You Raise Me Up.”

24           80. Defendants deny the allegations contained in Paragraph 80 of the  
25 Complaint. Defendants specifically deny that any permission or authorization from  
26 Plaintiff was required in order to exploit “You Raise Me Up.”  
27  
28

1           81. Defendants deny the allegations contained in Paragraph 81 of the  
2 Complaint. Defendants specifically deny that “You Raise Me Up” is an  
3 unauthorized derivative version of “Soknudur.”

4           82. Defendants deny the allegations contained in Paragraph 82 of the  
5 Complaint. Defendants specifically deny that any permission or authorization from  
6 Plaintiff was required to perform or otherwise exploit “You Raise Me Up.”

7           83. Defendants lack knowledge or information sufficient to form a belief as  
8 to the truth of the allegations contained in Paragraph 83, and on that basis  
9 Defendants deny said allegations. Defendants specifically deny that “You Raise Me  
10 Up” is an unauthorized derivative work, or that any permission or authorization  
11 from Plaintiff was required to perform or otherwise exploit “You Raise Me Up.”

12           84. Defendants deny the allegations contained in Paragraph 84 to the extent  
13 they relate to the Defendants, except Defendants admit that neither Plaintiff nor  
14 Johann Helgason granted permission to Defendants to reproduce, distribute or  
15 perform “You Raise Me Up.” Defendants lack knowledge or information sufficient  
16 to form a belief as to the truth of the allegations contained in Paragraph 84 of the  
17 Complaint to the extent they related to the other Defendants in this action, and on  
18 that basis Defendants deny said allegations. Defendants specifically deny that “You  
19 Raise Me Up” is an unauthorized derivative work or that any permission or  
20 authorization from Plaintiff or Johann Helgason was required to reproduce,  
21 distribute, perform or otherwise exploit “You Raise Me Up.”

22           85. Defendants deny the allegations contained in Paragraph 85 of the  
23 Complaint to the extent they relate to Defendants, except Defendants admit that they  
24 have not given Johann Helgason writer or composer credit for “You Raise Me Up.”  
25 Defendants lack knowledge or information sufficient to form a belief as to the truth  
26 of the allegations contained in Paragraph 85 of the Complaint to the extent they  
27 relate to the other Defendants in this action, and on that basis Defendants deny said  
28 allegations. Defendants specifically deny that “You Raise Me Up” unlawfully

1 contains material elements of “Soknudur,” or that Johann Helgason is entitled to any  
2 writer or composer credit for “You Raise Me Up.”

3 86. Defendants admit the allegations contained in Paragraph 86 of the  
4 complaint to the extent they relate to Defendants. Defendants deny that they had  
5 any obligation to pay Plaintiff or Johann Helgason any royalties or advances for  
6 sales or public performances of “You Raise Me Up.” Defendants lack knowledge or  
7 information sufficient to form a belief as to the truth of the allegations contained in  
8 Paragraph 86 to the extent they relate to the other Defendants in this action, and on  
9 that basis Defendants deny said allegations.

10 87. Defendants lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations contained in the first three sentences of Paragraph 87  
12 of the Complaint, and on that basis Defendants deny said allegations. Defendants  
13 state that the fourth sentence of Paragraph 87 contains legal conclusions, to which  
14 no response is required. To the extent a response is required, Defendants deny the  
15 allegations contained in the fourth sentence of Paragraph 87.

16 88. Defendants lack knowledge or information sufficient to form a belief as  
17 to the truth of the allegations contained in the first three sentences of Paragraph 88  
18 of the Complaint, and on that basis Defendants deny said allegations. Defendants  
19 state that the fourth sentence of Paragraph 88 contains legal conclusions, to which  
20 no response is required. To the extent a response is required, Defendants deny the  
21 allegations contained in the fourth sentence of Paragraph 88.

22 89. Answering Paragraph 89, Defendants incorporate by reference their  
23 responses to Paragraphs 1 through 88 above as though fully set forth herein.

24 90. Defendants lack knowledge or information sufficient to form a belief as  
25 to the truth of the allegations contained in the first sentence of Paragraph 90, and on  
26 that basis Defendants deny said allegations. Defendants deny the remaining  
27 allegations contained in Paragraph 90 of the Complaint.

28



1           91. Defendants lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations contained in the first sentence of Paragraph 91, and on  
3 that basis Defendants deny said allegations. Defendants deny the remaining  
4 allegations contained in Paragraph 91 of the Complaint.

5           92. Defendants deny the allegations contained in Paragraph 92 of the  
6 Complaint.

7           93. Defendants deny the allegations contained in Paragraph 93 of the  
8 Complaint.

9           94. Defendants deny the allegations contained in Paragraph 94 of the  
10 Complaint. Defendants further deny that any permission, license or consent from  
11 Plaintiff or Johann Helgason was required to exploit “You Raise Me Up.”

12           95. Defendants deny the allegations contained in Paragraph 95 of the  
13 Complaint.

14           96. Defendants deny the allegations contained in Paragraph 96 of the  
15 Complaint.

16           97. Defendants deny the allegations contained in Paragraph 97 of the  
17 Complaint.

18           98. Defendants deny the allegations contained in Paragraph 98 of the  
19 Complaint.

20           99. Defendants deny the allegations contained in Paragraph 99 of the  
21 Complaint.

22           100. Answering Paragraph 100, Defendants incorporate by reference their  
23 responses to Paragraphs 1 through 99 above as though fully set forth herein.

24           101. Defendants deny the allegations contained in Paragraph 101 of the  
25 Complaint.

26           102. Defendants deny the allegations contained in Paragraph 102 of the  
27 Complaint.

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1 103. Defendants deny the allegations contained in Paragraph 103 of the  
2 Complaint.

3 104. Defendants deny the allegations contained in Paragraph 104 of the  
4 Complaint.

5 105. As a response to Paragraphs 1 to 10 of Plaintiff's Prayer for Relief,  
6 Defendants deny that Plaintiff is entitled to any of the relief requested.

7 106. Defendants deny each and every allegation asserted in the Complaint  
8 that is not specifically addressed herein.

9 **AFFIRMATIVE DEFENSES**

10 **FIRST AFFIRMATIVE DEFENSE**  
11 **(Failure to State a Claim for Relief)**

12 1. Plaintiff's claims are barred, in whole or in part, because Plaintiff fails  
13 to state a claim upon which relief can be granted.

14 **SECOND AFFIRMATIVE DEFENSE**  
15 **(Statute of Limitations)**

16 2. Plaintiff's claims and/or remedies are barred, in whole or in part, by the  
17 applicable statute(s) of limitations, including the statute of limitations under the  
18 Copyright Act, 17 U.S.C. § 507(b).

19 **THIRD AFFIRMATIVE DEFENSE**  
20 **(Laches)**

21 3. Plaintiff's claims and/or remedies are barred, in whole or in part, by the  
22 doctrine of laches.

23 **FOURTH AFFIRMATIVE DEFENSE**  
24 **(Independent Creation)**

25 4. Plaintiff's claim are barred, in whole or in part, by the doctrine of  
26 independent creation.

27 **FIFTH AFFIRMATIVE DEFENSE**  
28 **(Innocent Intent)**

5. Plaintiff's claims and/or remedies are barred, in whole or in part, by the  
doctrine of innocent intent.

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**SIXTH AFFIRMATIVE DEFENSE  
(Failure to Mitigate)**

6. Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to mitigate its damages, if any.

**SEVENTH AFFIRMATIVE DEFENSE  
(Statutory Prerequisites)**

7. Plaintiff's claims are barred in whole or in part for failure to meet the statutory prerequisites under the Copyright Act.

**EIGHTH AFFIRMATIVE DEFENSE  
(Failure to Register)**

8. Plaintiff's claims for attorneys' fees and statutory damages are barred by the Copyright Act, 17 U.S.C. § 412, because Plaintiff's work was not registered for copyright before commencement of the alleged infringement, and Plaintiff did not register its alleged work within three months of the first publication of that work.

**NINTH AFFIRMATIVE DEFENSE  
(Waiver, Estoppel and Ratification)**

9. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, estoppel, acquiescence and/or ratification.

**TENTH AFFIRMATIVE DEFENSE  
(Unclean Hands)**

10. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

**ELEVENTH AFFIRMATIVE DEFENSE  
(Standing)**

11. Plaintiff's claims are barred, in whole or in part, due to lack of standing to assert the claims contained in the Complaint.

**TWELFTH AFFIRMATIVE DEFENSE  
(No Punitive Damages)**

12. Plaintiffs' claim for punitive damages is barred, because no such damages are available under the Copyright Act.

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**THIRTEENTH AFFIRMATIVE DEFENSE  
(Preemption)**

13. Plaintiff’s claim for unjust enrichment is preempted by the Copyright Act, 17 U.S.C. § 301.

**ADDITIONAL DEFENSES**


14. Defendants reserve the right to supplement or amend this Answer to the Complaint, including by asserting any additional defenses based upon information ascertained during discovery or other proceedings in this action, or that become available at trial or otherwise in this action.

**WHEREFORE**, Defendants respectfully pray for the following relief:

- a. That the Court dismiss Plaintiff’s claims with prejudice;
- b. That the Court deny Plaintiff’s request for relief as against Defendants;
- c. That the Court award Defendants their reasonable attorneys’ fees, costs, and expenses, with interest; and
- d. That the Court award Defendants such other and further relief as the Court may deem just and proper.

Dated: February 7, 2019

LOEB & LOEB LLP

By: 

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Barry I. Slotnick (*pro hac vice*)  
 Tal E. Dickstein (*pro hac vice*)  
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 Recordings, Inc., and Warner Bros.  
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