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5 Defendant

6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION
9

10 **TELUS Corporation, a foreign**
11 **corporation,**

12 **Plaintiff,**

13
14 **DENNIS WATSON, an individual,**

15 **Defendant.**

Case No.: C07-3434 (VRW)

DEFENDANT'S TRAVERSE

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17 Since the hearing on my motion to dismiss and motion to strike clearly outlined
18 that "TELUS' complaint covers only videos posted on Youtube" and on that condition I
19 agreed to jurisdiction, I would like to hereby submit this traverse clarifying my position as
20 we proceed to trial.

21 Recognizing that the root of my complaint revolves around TELUS having videos taken
22 off Youtube in which they had no possible copyright claim on, I would like to also discuss
23 two facts that are becoming past practice and thereby from an element of common law
24 for copyright on the Internet regarding TELUS Idol.

25 During the hearing we discussed the Digital Millenium Act. Granted much of what we
26 discuss is new territory in a rapidly growing form of public communication. Nevertheless,
27 Youtube is the subject of many rightful copyright complaints. Individuals sometimes post
28 unedited TV or movies on Youtube. The owner of the copyright complains and the video
clip is removed from Youtube.

However, the past practice has become that if an individual takes clips from a movie with
a legitimate copyright claim and removes the sound while adding music from a different
song that also has a legitimate copyright claim, then the video becomes a new work and
is not removed from Youtube. It becomes a consumer commodity so to speak.

1 If I took video clips of TELUS Idol, removed the sound and added music from other
2 songs to it, to my understanding there would not be a valid copyright claim on it and it
3 would not be removed from Youtube. Yet TELUS had three songs taken off Youtube that
4 were original works of individuals on the picketline not TELUS. Since these songs had a
few pictures of Darren Entwistle and screen clips from TELUS Idol thrown in they were
taken off Youtube on a copyright infringement threat.

5 Personally I think that is wrong and a defiant violation of the First Amendment.

6 “The DMCA has been criticized for making it too easy for copyright owners to encourage
7 website owners to take down infringing content and links when it may not in fact be
8 infringing. When website owners receive a takedown notice it is in their interest not to
9 challenge it, even if it is not clear if infringement is taking place, because if the potentially
10 infringing content is taken down the website will not be held liable. The Electronic
Frontier Foundation senior IP attorney Fred von Lohmann has said this is one of the
problems with the DMCA.”

11 What we see happening is large Corporations censoring the Internet with overreaching
12 copyright claims and more specifically threats of legal action. Individuals and ISP cannot
13 afford to pay court fees thus the Constitution becomes eroded as equal protection of the
14 law and free speech is cunningly and systematically removed.

15 The root of my complaint is simple:

16 Youtube needs written authorization from the court to put back all the videos taken off
17 that are not listed in Mr. Lopez’s letter of complaint dated June 29 2007.

18 Youtube needs written authorization from the court to put back the three songs TELUS
19 had taken off Youtube that were original works of Canadian citizens not TELUS. Two of
20 which are named in their letter one is not.

21 Youtube needs written authorization from the court to put back all the video clips from
22 TELUS Idol since TELUS Idol is not called TELUS VOIP, has nothing to do with Voice
23 Over Internet Protocol, is not an original work and was widely part of the public domain
24 since it was used as a training video for all TELUS Employees after the conference.

25 Failing written authorization for clips of TELUS Idol to be put back on Youtube, the
26 people of Canada need a written statement from the court stating that TELUS Idol, not
27 TELUS VOIP, is copyright protected and states who actually owns the copyright of
28 TELUS Idol thereby clearly stating who bears legal liability for the content of that video.
Once there is a written copyright claim to TELUS Idol, not TELUS VOIP, then the people
of Canada can take that declaration to the Human Rights Commission over the ongoing
sexual harassment at TELUS that continues without consequence.

29 The second item that I will cite is a news clip marked exhibit “F”. Wal-Mart fired the
30 company that used to videotape it’s history for years since there was no contract. Now
31 the company is offering those videos to the highest bidder because Wal-Mart does not
32 own the copyright to those videos.

1 Now, I did not film TELUS Idol and I am not offering them for sale. However, TELUS Idol
2 was a training video part of the public domain when it was posted on the employee's
network for all employees to watch and was subsequently posted on the Internet.

3 My point in citing this news story is to illustrate that plaintiff lawyer's want some of the
4 behind the scenes footage to help various cases against Wal-Mart. Slander is making a
false statement. I write a news article about TELUS Idol and TELUS calls me a liar.
5 When I post a link to TELUS Idol on Youtube they have it removed on a copyright threat
and call me a liar again. That is slander. The end result is that the behavior shown in
6 TELUS Idol has never been confronted or stopped. It just keeps getting censored.

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Dated: April 11, 2008

By DW
Dennis Watson - Defendant