

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSEVIER INC., ELSEVIER B.V., ELSEVIER
LTD.

Plaintiffs,

v.

SCI-HUB d/b/a WWW.SCI-HUB.ORG, THE
LIBRARY GENESIS PROJECT d/b/a
LIBGEN.ORG, ALEXANDRA ELBAKYAN,
JOHN DOES 1-99,

Defendants.

Index No. 15-cv-4282 (RWS)

**DECLARATION OF ANTHONY WOLTERMANN IN SUPPORT OF PLAINTIFFS’
MOTION FOR DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

I, ANTHONY WOLTERMANN, declare as follows:

1. I submit this declaration in support of Plaintiffs’ application for an order granting default judgment and permanent injunction against Defendants.

2. I am a Technology Infrastructure and Operations Manager at Elsevier Inc. My office is located at 9443 Springboro Pike, Miamisburg, Ohio 45342, Office 61 41.

3. I have worked for the RELX (f/k/a Reed Elsevier) group of companies for 20 years. For the last 11 years, I have worked specifically for Elsevier Inc. (“Elsevier”).

4. I have continued to monitor the infringing activities of Sci-Hub throughout the course of this litigation. Sci-Hub’s original domain name – www.sci-hub.org – does not currently direct to an active website, nor, to my knowledge has it since approximately November, 2015.

5. The Sci-Hub website has, however, since November, 2015, continued to operate at a number of new domains, which, to my knowledge, include sci-hub.ac, sci-hub.bz, sci-hub.cc, sci-hub.io.

6. I have also continued to monitor the activities of The Library Genesis Project throughout the course of this litigation. Several of The Library Genesis Project's original domain names and those of its mirrors – including libgen.org, libgen.info, elibgen.org, bookfi.org, and estrorecollege.org – no longer direct to active websites.

7. The Library Genesis Project has, however, continued to operate its infringing service through several other domains, as have its mirrors. These include, to my knowledge, libgen.io and bookfi.net.

8. Based on my review of the Defendants' websites, it is clear that Defendants have continued to distribute unauthorized copies of Elsevier's copyrighted scientific books and journal articles on a continuous basis since November, 2015.

A. Sci-Hub's Admitted Infringements

9. On April 28, 2016, the journal *Science* published an article, authored by John Bohannon and entitled "Who's Downloading Pirated Papers? Everyone,"¹ to its website at <http://www.sciencemag.org/news/2016/04/whos-downloading-pirated-papers-everyone>. A true and correct copy of this article is attached hereto as Exhibit A.

10. The article described Sci-Hub's infringing activities and included information, in the form of defendant Alexandra Elbakyan's written responses to Mr. Bohannon's inquiries and his analysis of Sci-Hub's server logs, which were provided by Elbakyan – the operator of Sci-Hub – to Mr. Bohannon.

¹ "Who's downloading pirated papers? Everyone," Bohannon, J., *Science*, Vol. 352, Issue 6285 (2016), pp. 508-512. <http://dx.doi.org/10.1126/science.352.6285.508>.

11. The data logs referenced in the article were also published under the authorship of Mr. Bohannon and Elbakyan with the title “*Data from: Who’s Downloading Pirated Papers? Everyone,*”² and made available for public review through the Dryad website at <http://datadryad.org/resource/doi:10.5061/dryad.q447c>.³ The data provide evidence of Sci-Hub’s distribution of scientific articles from approximately September, 2015, through February, 2016 (with the exception of a period during November, 2015). Specifically, the data provide detailed transactional information including the unique DOI (an index number which uniquely identifies a published journal article) for each download, and the geographic location to which the file was sent.

12. The data logs referenced above indicate that during that period, Sci-Hub distributed approximately 28 million journal articles to its users. As Bohannon’s article in *Science* notes, and defendant Elbakyan provided data that confirms, Elsevier was the most common victim of Sci-Hub’s infringement, remarking that “Sci-Hub provided half-a-million downloads of Elsevier papers in one recent week.” The article also states that New York City itself is a common target of Sci-Hub’s infringement, and specifically that “[o]ver the 6-month period, 74,000 download requests came from IP addresses in New York City”.

13. I and individuals working at my direction have downloaded and analyzed the log data published to the Dryad website and reviewed that data to determine the extent of Sci-Hub’s piracy of Elsevier’s copyrighted works. I have concluded that, based on the published logs provided by defendant Elbakyan, Sci-Hub claims to have distributed millions of copies of Elsevier-published scientific journal articles during the relevant period.

² “Data from: Who's downloading pirated papers? Everyone,” Bohannon, J., Elbakyan, A., (2016) Dryad Digital Repository. <http://dx.doi.org/10.5061/dryad.q447c>.

³ The Dryad Digital Repository is a nonprofit, curated, and citable online repository for data underlying scientific publications. See The Organization: Overview, at <http://datadryad.org/pages/organization>.

14. Attached hereto as Exhibit B is a listing of one hundred representative Elsevier-published works which Sci-Hub, through the publication of its server logs to the Dryad website, admits to having distributed to users in the United States.

15. Elbakyan has also admitted to her operation of the infringing Sci-Hub websites in interviews with various media outlets. One such interview was published by Vox.com on February 18, 2016, and entitled “Meet Alexandra Elbakyan, the researcher who's breaking the law to make science free for all.”⁴ A true and correct copy of this interview is attached hereto as Exhibit C.

16. In the Vox.com interview, Elbakyan admits that she is aware of the injunction barring her infringing activities and that she nevertheless intended to continue operating Sci-Hub. Specifically, Elbakyan states “We got an injunction from US court, an order to stop our activities. A few weeks ago I got an email that stated that another conference with court is scheduled for March, because our websites are operating despite receiving an injunction order.”

17. Sci-Hub maintains a presence on the Russian social media platform VK at vk.com/sci_hub. Sci-Hub’s profile, when translated to English, describes Sci-Hub as having “already more than 60 million research papers in the public domain: down with copyright in science.” A true and correct screenshot of Sci-Hub’s VK page, retrieved April 29, 2017, along with a translation of this description and the affirmation of David Lyness, an Account Manager at TransPerfect certifying the accuracy of this translation, are attached hereto as Exhibit D.

⁴ Belluz, Julia, *Meet Alexandra Elbakyan, the researcher who's breaking the law to make science free for all*, Vox.com, Feb. 18, 2016, at <http://www.vox.com/2016/2/18/11047052/alexandra-elbakyan-interview>.

B. The Library Genesis Project's Infringement

18. I and individuals working at my direction have investigated the infringing conduct of The Library Genesis Project by identifying and downloading specific Elsevier-published scientific books and journal articles.

19. I have verified that each of the one hundred representative works listed in Exhibit B (*i.e.*, articles which Sci-Hub has admitted to distributing to users in the United States) is also hosted by and available for download through The Library Genesis Project.


C. Elsevier's Ownership of the Infringed Works

20. I have verified that Elsevier holds the federally-registered copyright or exclusive license to each of these works listed in Exhibit B and that Elsevier did not grant any of the Defendants permission to copy or distribute the listed articles.

21. I have examined copies of each of the works listed in Exhibit B and have verified that the listed articles are true copies of the publications which they purport to be.

I declare under penalty of perjury that the foregoing is true and correct.

Dated May 12, 2017.

By: 
Anthony Woltermann