

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 CHRISTOPHER MCKENZIE IN SUPPORT OF PLAINTIFFS’
APPLICATION FOR AN ORDER AUTHORIZING ALTERNATIVE SERVICE OF
PROCESS ON DEFENDANTS AND ORDER TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION**

I, CHRISTOPHER MCKENZIE, declare as follows:

1. I submit this affidavit in support of Plaintiffs’ application for entry of a preliminary injunction.
2. I am the Vice President for Global Intellectual Property Management at John Wiley & Sons, Inc. (“Wiley”). My office address is 111 River Street, Hoboken, New Jersey, 07030.
3. Wiley is a leading global publishing company that specializes in academic publishing and markets its products to researchers, instructors, and students in scientific, technical, medical, and scholarly fields. Wiley currently publishes more than 1,600 scholarly

journals and approximately 160,000 articles annually in those journals. Wiley is also a leading publisher of scholarly books, publishing approximately 1,300 books annually.

4. Wiley operates the Wiley Online Library, accessible at onlinelibrary.wiley.com. Through the Wiley Online Library, Wiley provides its authorized users access to scientific works it publishes. Wiley is either the owner of the copyright or the exclusive licensee of the copyright in all of the works it makes available through the Wiley Online Library with the minimal exception of those that are published originally as “open access.”

5. I am familiar with the piracy websites sci-hub.org (“Sci-Hub”) and libgen.org (the “Library Genesis Project”). Based on my review of Wiley content on these sites, I believe that they have no substantial purpose other than to engage in, and facilitate the infringement of, copyrighted works. They do this via sci-hub.org, which has compromised user credentials of Wiley’s licensed customers to obtain Wiley’s copyrighted content. They then post the content to libgen.org, which is accessible to anyone who visits libgen.org and is designed to be the ultimate and permanent repository of the content obtained. Wiley’s last indexing revealed that libgen.org currently hosts over 90% of the content available on Wiley Online Library. These works include the following works:

- Wiley’s journal article [Length of marriage and its effect on spousal concordance in Kuwait](http://onlinelibrary.wiley.com/doi/10.1002/ajhb.1137/abstract) published in the *American Journal of Human Biology* (Jan. 2002, Vol. 14, Iss. 1, pg. 1-8) which is proxied through <http://onlinelibrary.wiley.com/doi/10.1002/ajhb.1137/abstract>. Attached hereto as Exhibit A are true and correct copies of (1) the screen shot of the article as it appears on sci-hub.org; (2) the full-text of the

journal article obtained through sci-hub.org; and (3) the registration certificate for this article that is currently on file with the Copyright office.

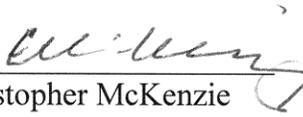
- Wiley's journal article Climate, racial category, and body proportions in the U.S. published in the *American Journal of Human Biology (Jul./Aug. 2005, Vol. 17, Iss. 4, pg. 393-402)* which is proxied through <http://onlinelibrary.wiley.com/sci-hub.org/doi/10.1002/ajhb.20401/abstract>. Attached hereto as Exhibit B are true and correct copies of (1) the screen shot of the article as it appears on sci-hub.org; (2) the full-text of the journal article obtained through sci-hub.org; and (3) the registration certificate for this article that is currently on file with the Copyright office.
- Wiley's book *Mass Spectrometry: Instrumentation, Interpretation and Applications* which is proxied through Libgen.org <http://libgen.org/book/index.php?md5=42f7e0654c20700e9f93c9b6c081c6df>. Attached hereto as Exhibit C are true and correct copies of (1) the screen shot of the book as it appears on libgen.org; and (2) the registration certificate for this article that is currently on file with the Copyright office.
- Wiley's book *Production of Plasma Proteins for Therapeutic Use* which is proxied through <http://libgen.org/book/index.php?md5=763aa874d895c2b10ebfeba191315937>. Attached hereto as Exhibit D are true and correct copies of (1) the screen shot of the book as it appears on libgen.org; and (2) the registration certificate for this article that is currently on file with the Copyright office.

6. Wiley has not authorized Sci-Hub or the Library Genesis Project to access its online databases or to copy, display, or distribute its copyrighted works through their websites. Rather, these websites have gained access to Wiley's online databases through unauthorized means. These methods may include using compromised user credentials from a licensed customer and either entering the secure network via a proxy server or directly to an individual computer; using phishing scams to obtain users' credentials; infecting a computer with malware to obtain access to the secure network; buying user credentials on the web; deploying keystroke viruses which capture all of the work a user does on his or her computer, including seeing his or her use of the user credentials; and using botnets to automatically and virtually undetectably enter a customer's secure network. Wiley has not found any way to protect our customers against the threat of Sci-Hub's and the Library Genesis Project's unlawful intrusion into their computer systems.

7. Wiley has undertaken significant effort in attempting to remove its copyrighted works from the Library Genesis Project's repository through the DMCA notice-and-takedown regime. These efforts, however, have largely been ignored or ineffective.

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

Dated: June 1, 2015.



Christopher McKenzie