

## Appendix – Disclosure ordered by the District Court

### 1. Criminal breach of copyright

#### (a) A copyright ownership element

- (i) All documents either connected to, related to or evidencing legal ownership of the copyright interest allegedly infringed.

#### (b) Infringement element

- (i) All documents either connected to, related to or evidencing alleged infringement of the copyright interests, including but not limited to:

- all records obtained or created in connection with the covert operations undertaken by agents involved in the investigations related to these proceedings in transacting and uploading/downloading data and files on the Megaupload site;
- all records or information and/or material provided to or obtained by the investigating and/or prosecuting agencies in this case from holders and/or owners of copyright interests evidencing alleged infringement of their copyright and/or complaining of such alleged infringement;
- all records and materials related to communications between relevant copyright holders and Megaupload and/or its employees regarding their copyright interest, the direct delete access provided by Megaupload to any such copyright owners, and any communications between the copyright owners and Megaupload and/or its staff regarding take-down notices;

#### (c) Commercial element

- (i) All/any records or materials or information relating to the operation of the Megaupload rewards scheme for premium users, including but not limited to:
  - all documents containing communications between Megaupload Ltd and/or its employees and the said premium users, including communications regarding the payment of, entitlement to or qualification for rewards; and

- all documents relating to the payment of all/any rewards to “premium” users.

(d) Knowledge/wilfulness element

(i) All and any documents materials and/or records containing evidence relied upon by the respondent as evidencing or supporting the allegation that the applicant acted wilfully in relation to the infringement of copyright material;

(ii) All documents evidencing communications between the applicant and all/any of the alleged co-conspirators demonstrating either knowledge or wilfulness on the part of the applicant, or the absence thereof in relation to the deliberate and unlawful infringement of copyright including but not limited to:

- all emails passing between, exchanged, forwarded, copied (either directly or indirectly) between the applicant and all or any of the alleged co-conspirators; and
- all telephone and other forms of electronic communication (including Skype) intercepted in the course of the investigation, including both transcripts and electronic recordings of such communications.

**2. Money laundering**

- (a) All documents allegedly evidencing the transfer and/or handling of funds for the purpose of money laundering.
- (b) All documents containing descriptions of transactions or recording financial transactions undertaken by the applicant (either directly or indirectly) for the purpose of money laundering.

**3. Racketeering**

- (a) All documents said to evidence the formation and/or existence of an enterprise involved in “racketeering activity”.
- (b) All documents said to evidence participation by the applicant in such an enterprise.
- (c) All documents said to evidence the engagement in “racketeering activity” by the applicant and/or the said enterprise.

**4. Wire fraud**

- (a) All documents said to evidence that the applicant, by means of any of the specified mechanisms of transmission (see 18 U.S.C. § 1343) by which it is alleged that the applicant received a benefit or caused a loss as a result of false or fraudulent pretences.
- (b) All documents said to evidence the fraudulence and/or falsity of the basis upon which the applicant is alleged to have received a benefit or caused a loss.