

**FEDERAL COURT
PROPOSED CLASS PROCEEDING**

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S	S	COUR FÉDÉRALE	I
U		Court File No.	S
E		May 01, 2026	
D		01 mai 2026	
		Josephine Chan	
TOR		I	

BETWEEN:



CATHERINE MCKENZIE, KATE HILTON, RYAN NORTH,
and PROJECT SINISTER INC.

Plaintiffs

and

GOOGLE LLC

Defendant

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you must prepare a Statement of Defence in Form 171B prescribed by the [Federal Court Rules](#), serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court.

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the [Federal Court Rules](#).

Copies of the [Federal Court Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Issued on: May 01, 2026

Issued by: Josephine Chan (Registry Officer)

Address of Local Office: Toronto Local Office / Bureau local de Toronto 180
Queen St. W., Suite 200 / 180, rue Queen O., Bureau 200 Toronto, Ontario M5V
3L6

Date _____

Issued by _____

Local Registrar

Address of
local office: Federal Court
180 Queen St. W.
Toronto ON M5V 1Z4

TO: GOOGLE LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043
United States of America

CLAIM

I. OVERVIEW

1. The plaintiffs and the class are Canadian writers.
2. This is a class action for copyright infringement arising from the defendant's unauthorized and unlawful use of the plaintiffs' and class members' written copyrighted works to train its generative artificial intelligence ("AI") large language models ("LLMs"). The defendant, Google LLC ("**Google**"), has copied, reproduced, and exploited the class members' works without license or permission on a massive scale to develop and commercialize its products powered by or based on its LLMs.
3. Google knew it was copying high-quality, unlicensed works to create the LLMs. There is no reason why a corporation with such reach and resources could not have obtained training data licensed by the plaintiffs and the class. Google simply chose not to.
4. Google was in a fierce competition with its industry rivals to take the lead in generative AI; the plaintiffs' and class members' rights did not matter.
5. Google's LLMs are now inseparable from its market power and the commercial products and services it offers. Google earns subscription fees for its generative AI products powered by its LLMs, as well as added revenue from its existing technologies that now incorporate its AI tools.
6. Google's conduct constitutes copyright infringement, circumventions of technological prevention measures, and other unlawful acts under the *Copyright Act*, R.S.C. 1985, c. C-

42 (“*Copyright Act*”), causing significant harm to the class, and undermining the value of their creative works.

7. Google is an American corporation with annual revenues of hundreds of billions of dollars. Yet, it systematically copied the class’s human-authored works without consent or compensation. Google used those works to train its LLMs to generate AI content that displaces the class’s human works in Canada. Google’s conduct flouts one of the core objectives of the *Copyright Act* of protecting creators’ rights and human creations, and of encouraging human creativity.

II. RELIEF SOUGHT

8. The plaintiffs, on behalf of themselves and the class, claim:
 - (a) A declaration that Google is liable for infringing the copyright in their works contrary to sections 3 and 27 of the *Copyright Act*;
 - (b) A declaration that Google engaged in the prohibited circumvention of technological protection measures that prescribe access to and restrict copying and reproduction of the works, contrary to, and within the meaning of, section 41 and 41.1 of the *Copyright Act*;
 - (c) A permanent injunction pursuant to sections 34(1) of the *Copyright Act* and a wide injunction pursuant to 39.1 of the *Copyright Act*, prohibiting Google, its directors, officers, employees, agents, licensees, successors, assigns, related, parent or affiliated companies, and all those under the control of Google, from:

- (i) Infringing the copyright in the works and in any other work that Google is likely to infringe;
 - (ii) Circumventing technological protection measures employed to protect the works;
 - (iii) Using the works to train Google's LLMs; and/or
 - (iv) Making Google LLM-based products available anywhere in Canada;
- (d) One of the following, to be elected before final judgment is rendered:
- (i) General, pecuniary, and non-pecuniary damages, plus the part of the profits that Google has made from the infringements and circumvention of technological protection measures not taken into account in calculating the damages, pursuant to sections 35 and 41.1 of the *Copyright Act*, in an amount to be determined at trial; or
 - (ii) An award of statutory damages in the amount of \$20,000 per work (or an amount that the Court considers just) for the infringement of copyright and circumvention of technological protection measures, pursuant to section 38.1 and 41.1 of the *Copyright Act*;
- (e) Aggravated, exemplary, and punitive damages;
- (f) Pre-judgment interest and post-judgment interest pursuant to sections 36-37 of the *Federal Courts Act*, RSC 1985, c F-7; and
- (g) Such further and other relief as this Honourable Court may deem just.

III. FACTS

A. The Plaintiffs and their Works

Catherine McKenzie

9. The plaintiff, Catherine McKenzie, is a best-selling Canadian fiction author residing in Westmount, Quebec, Canada. Her books are approaching two million copies sold worldwide and have been translated into multiple languages, including French, German, Portuguese, Polish, Italian, and Greek.
10. Ms. McKenzie is the author and owner of copyright in various works. Examples of her works include *The Murder Game* (2016), *Fractured* (2016), and *Smoke* (2015) (collectively, the “**McKenzie Works**”).
11. The McKenzie Works are found in the following pirate libraries, which served as sources for training datasets for Google’s LLMs:

Title of Work	Pirate Library:	URL:
<i>The Murder Game</i> (published under Julie Apple)	OceanofPDF	https://oceanofpdf.com/authors/julie-apple/pdf-epub-the-murder-game-by-julie-apple-download/
<i>Fractured</i>	OceanofPDF Library Genesis AND Books3 – the Atlantic AI Watchdog	https://oceanofpdf.com/authors/catherine-mckenzie/pdf-epub-fractured-by-catherine-mckenzie-download/ https://www.theatlantic.com/category/ai-watchdog/?q=Catherine+McKenzie
<i>Smoke</i>	OceanofPDF Library Genesis – the Atlantic AI Watchdog	https://oceanofpdf.com/authors/catherine-mckenzie/pdf-epub-smoke-by-catherine-mckenzie-download/ https://www.theatlantic.com/category/ai-watchdog/?q=Catherine+McKenzie

12. At the time the McKenzie Works were made, Ms. McKenzie was a Canadian citizen residing in Canada. She self-published or published the McKenzie Works in Canada.
13. Ms. McKenzie did not authorize or license Google, or any other party, to upload her works to piracy websites, or to use, copy, reproduce, distribute, or otherwise exploit her works, including for the purpose of training Google's LLMs.

Kate Hilton

14. The plaintiff, Kate Hilton, is a Canadian author residing in Toronto, Ontario, Canada. She is a best-selling writer of fiction.
15. Ms. Hilton is the author and owner of copyright in various works. Examples of her works include *Better Luck Next Time* (2020); *Just Like Family* (2017); and *The Hole in the Middle* (2013) (collectively, the "**Hilton Works**").
16. At the date the Hilton Works were made, Ms. Hilton was a Canadian citizen residing in Canada. She published the Hilton Works in Canada.
17. Her works have been found on pirate libraries including Z-library, OceanofPDF, and Library Genesis, which served as sources for training datasets for Google's LLMs:

Title of Work	Pirate Library:	URL:
<i>Better Luck Next Time</i>	OceanofPDF	https://oceanofpdf.com/genres/humor/pdf-epub-better-luck-next-time-by-kate-hilton-download-99050262026/
	ZLibrary	https://z-lib.sk/book/ezXPjKBxzZ/better-luck-next-time.html
	The Atlantic AI Watchdog – Library Genesis Fiction	https://www.theatlantic.com/category/ai-watchdog/?q=Kate+Hilton

<i>Just Like Family</i>	OceanofPDF ZLibrary The Atlantic AI Watchdog – Library Genesis Fiction	https://oceanofpdf.com/genres/canada/pdf-epub-just-like-family-download/ https://z-lib.sk/book/3qwbaYRPz8/just-like-family.html https://www.theatlantic.com/category/ai-watchdog/?q=Kate+Hilton
<i>The Hole in the Middle</i>	OceanofPDF ZLibrary The Atlantic AI Watchdog – Library Genesis Fiction	https://oceanofpdf.com/genres/humor/pdf-epub-the-hole-in-the-middle-download/ https://z-lib.sk/book/lqVbp6Wbq2/the-hole-in-the-middle.html https://www.theatlantic.com/category/ai-watchdog/?q=Kate+Hilton

18. Ms. Hilton did not authorize or license Google, or any other party, to upload her works to piracy websites, or to use, copy, reproduce, distribute, or otherwise exploit her works, including for the purpose of training Google’s LLMs.

Ryan North & Project Sinister Inc.

19. The plaintiff, Ryan North, is a Canadian author residing in Toronto, Ontario. He is a best-selling author of both fiction and non-fictional works, including numerous graphic novels and online comics.
20. The plaintiff, Project Sinister Inc., is a company incorporated in Ontario on March 15, 2017 by Mr. North. He is the owner and director of the company. Project Sinister Inc. is the assignee and holder of copyright in Mr. North’s works.

21. Mr. North is the author, and Project Sinister Inc. is the owner of copyright in various works, such as *How to Take Over the World* (2022); *How to Invent Everything* (2018); *To Be or Not To Be* (2016) (collectively, the “**North Works**”).
22. At the date time North Work were made, Mr. North was a Canadian citizen residing in Canada. He published the North Works in Canada.
23. His works have been found on pirate libraries including Z-library, Library Genesis, Scribd, and OceanofPDF, which served as sources for training datasets for Google’s LLMs:

Title of Work	Pirate Library:	URL:
<i>How To Take Over the World</i>	Z-library	https://1lib.sk/book/nvJLpALwZq/how-to-take-over-the-world-practical-schemes-and-scientific-solutions-for-the-aspiring-supervillain.html
	OceanofPDF	https://oceanofpdf.com/authors/ryan-north/pdf-epub-how-to-take-over-the-world-practical-schemes-and-scientific-solutions-for-the-aspiring-supervillain-download-72218210735/
<i>How to Invent Everything</i>	Scribd	https://www.scribd.com/document/910141671/How-to-Invent-Everything-PDF?_gl=1*y4l2c6*_up*MQ..*_ga*MzQ1NDA0NDgyLjE3NzcwNjMxMjk.*_ga_Z4ZC50DED6*cze3NzcwNjMxMjgkbzEkZzEkdDE3NzcwNjMxMjgkajYwJGwwJGgw*_ga_8KZ8BV0P5W*cze3NzcwNjMxMjgkbzEkZzEkdDE3NzcwNjMxMjgkajYwJGwwJGgw
	OceanofPDF	https://oceanofpdf.com/authors/ryan-north/pdf-epub-how-to-invent-everything-a-survival-guide-for-the-stranded-time-traveller-download-97034136287/
	ZLibrary	https://z-lib.id/book/how-to-invent-everything-a-survival-guide-for-str
<i>To Be or Not To Be</i>	Scribd	https://www.scribd.com/document/1011128841/To-be-Or-Not-to-be-6-23-13-Edition-Ryan-North-ebook-power-reader-edition?_gl=1*v5277f*_up*MQ..*_ga*MzQ1NDA0NDgyLjE3NzcwNjMxMjk.*_ga_Z4ZC50DED6*cze3NzcwNjMxMjgkbzEkZzEkdDE3NzcwNjMxMjgkajYwJGwwJGgw*_ga_8KZ8BV0P5W*cze3NzcwNjMxMjgkbzEkZzEkdDE3NzcwNjMxMjgkajYwJGwwJGgw
	OceanofPDF	

		jMxMjgkajYwJGwwJGgw https://oceanofpdf.com/authors/ryan-north/pdf-epub-to-be-or-not-to-be-a-chooseable-path-adventure-download-46421197584/
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24. Mr. North and Project Sinister Inc. did not authorize or license Google, or any other party, to upload his works to piracy websites, or to use, copy, reproduce, distribute, or otherwise exploit her works, including for the purpose of training Google’s LLMs.
25. The McKenzie Works, Hilton Works, and North Works (collectively “**Plaintiffs’ Works**”) were on the internet and accessible to Google. Each of the Plaintiffs’ Works identifies the corresponding plaintiff as its author.
26. The Plaintiffs’ Works are each an original work within the meaning of section 2 of the *Copyright Act*. They were a product of the exercise of significant human skill, judgment, expertise, and talent on the part of the plaintiffs.
27. The plaintiffs were each, at the date of the making of the Plaintiffs’ Works, a citizen or a person ordinarily resident in a treaty country, within the meaning of section 5(1)(a) of the *Copyright Act*.
28. The plaintiffs, their successors, and assignees have never published these works for commercial use.
29. The plaintiffs are alive, so the term established in section 6 of the *Copyright Act* has not yet expired.

30. As described further below, the Google LLMs were trained on the works belonging to the class, including the Plaintiffs' Works.

B. The Class

31. The class consists of all persons, resident in Canada, who owned the copyright, or derived any right, title or interest by assignment, to works used by Google to train the Google LLMs up to the date of the certification of this action or such other date as the Court may deem appropriate.
32. Like the plaintiffs, each member of the class wrote, or derived a right, title or interest by assignment from an author who wrote, at least one work that Google used to train its LLMs, for which all of the following is true:
- (a) The work is in writing and is, or is part of, a literary, dramatic or musical work, such as books, scholarly papers and works, comics, poetry, song lyrics, play scripts, or compilations thereof.
 - (b) The work is an original work within the meaning of section 2 of the *Copyright Act*. It was a product of the exercise of significant skill, judgment, expertise, and talent on the part of the artist.
 - (c) The author was a citizen of or ordinarily resident in a treaty country within the meaning of section 2 of the *Copyright Act* when they made the work.
 - (d) The class member never published the work for commercial use.
 - (e) The author of the work is alive or it has been fewer than 70 years since the death of the author.

33. Thus, each class member owns or co-owns the copyright to at least one work. Each class member can identify themselves by searching for themselves or their works within various pirate libraries such as Z-Library (at <https://1lib.sk/>), PDF Drive (at <https://www.pdfdrive.com/>), OceanofPDF (at <https://oceanofpdf.com/>), or Scribd (at <https://www.scribd.com/>).
34. The North American magazine and multi-platform publisher, Atlantic, has also created a searchable database that allows authors to search for their work and identify themselves in various datasets that Google and its AI competitors used to train their LLMs (<https://www.theatlantic.com/category/ai-watchdog/>). As detailed above, all the Plaintiffs' Works are identifiable on this database.
35. The works used to train Google's LLMs, and the identity of their authors, are within Google's knowledge. Google maintains records of the works used in its training, including but not limited to the titles of the works, author, and publisher. This data is searchable, sortable, and retrievable.

C. The Defendant

36. Google LLC is a corporation incorporated under the laws of Delaware. Its headquarters are in Mountain View, California. As described further at paragraphs 42-63, Google has developed LLMs and operates and sells products powered by or based upon those LLMs across Canada.
37. Google carries on business in Canada and the infringing acts occurred, in substantial part, within Canada. Google's AI training and business are heavily interwoven with its Canadian presence and operations. For example, Google itself and through its related companies

conducts AI and LLM-related research and development in Canada, primarily through its dedicated research teams in Toronto, Montreal, Waterloo, and previously Edmonton:

- (a) Canada is a primary global hub for Google DeepMind (“**GDM**”), with major research centers in Toronto and Montreal. GDM is a subsidiary of the publicly traded parent holding company that owns Google, Alphabet Inc. These labs are deeply integrated into the development of Google’s Gemini family of AI models:
 - (i) Reasoning and Mathematics: Google’s researchers in Toronto and Montreal have been instrumental in the development of Google’s Gemini Deep Think, focusing on advanced reasoning, mathematical proof, and scientific problem-solving.
 - (ii) Reinforcement Learning (“**RL**”): Google’s Montreal lab leads Google’s efforts in using RL to refine LLM behavior and efficiency. The Montreal location was founded in 2016 to focus on deep learning and AI research, working on core AI technologies, including open-source libraries and AI security.
 - (iii) Talent Pipeline: Google continues to run its Student Researcher Program in Canada, specifically recruiting PhD and MS students in Montreal and Toronto to work on Google’s next-generation model architectures like Gemma 4 and multimodal capabilities.

- (b) Waterloo/Kitchener: Google's largest engineering site in Canada is located in Waterloo, Ontario. It works on various AI products and supports Google's AI programs, including those in issue in this claim.
38. These locations function as hubs for Google's AI research and development (including the LLMs in issue in this claim).
39. Further, Google operates two primary Google Cloud regions in Canada for server infrastructure: in Montréal (since 2018) and in Toronto (since 2021), and the services of Google's LLMs were provided to Canadians through those servers.
40. Moreover, Google has significantly expanded its technical infrastructure in Canada to meet domestic regulatory and performance needs. Since 2024, Google Cloud has offered local processing for Google's Gemini 1.5 Pro and Flash in Canada. This allows Canadian organizations to perform fine-tuning and inference, while data never leaves Canadian soil during the training or processing phases.
41. Google provides funding and services in Canada to assist its Canadian clients in integrating Gemini into their workflows:
- (a) AI Innovation Fund: Google Canada recently launched a \$13 million AI Innovation Fund aimed at incentivizing Canadian agencies and businesses to integrate Gemini into their workflows;
- (b) AI Literacy Initiative: Through a \$5 million investment in the Alberta Machine Intelligence Institute (Amii), Google is supporting a national program to train 125,000 post-secondary students in AI literacy.

- (c) Safety and Standards: Google is a key partner in the Canadian AI Safety Institute (CAISI), working alongside Mila and the Vector Institute to develop benchmarks for evaluating the safety and bias of LLMs trained or deployed in the Canadian market.

D. Google's Large Language Models

42. An LLM is a statistical language model, trained on a large amount of data, that can be used to generate and translate text and other content, and perform other natural language processing tasks. LLMs are typically based on deep learning architectures and can be trained on text and other content. In the context of text generation, LLMs are essentially very good predictors of text.
43. Google has developed its own LLMs in the last decade, including LaMDA and PaLM 2, among others. The current iteration is called Gemini.
44. Google has heavily commercialized and generates revenues from its LLMs. Google's LLMs have revolutionized its product and service offering. Not only does Google provide specific generative AI tools powered by Gemini, but it also integrates Gemini into its existing suite of technologies. Today, Google and Gemini are inextricable. Gemini is, knowingly or unknowingly, in the hands of every Google user worldwide daily, including almost everyone in Canada.
45. Examples of Google's well-known generative AI tools include Google Gemini (the generative AI chatbot and virtual assistant carrying the same name as the LLM), Deep Research, NotebookLM, Imagen, and Nano Banana.

46. Google also provides Vertex AI for software developers. It assists them in building applications powered by Gemini. Gemini Code Assist provides generative AI coding assistance to help with tasks across the software development cycle. Gemini CLI is an open-source AI agent capable of code understanding and file manipulation, to command execution and dynamic troubleshooting.
47. Google has also integrated Gemini into its existing suite of technologies: Google search automatically generates an AI answer or summary with every search; Gmail can assist with drafting emails, suggesting responses and searching a user's inbox for information; Google Docs can generate documents from scratch based on information from emails and files; Google Maps can take you on a guided walking tour or provide hands-free directions while biking; Google Home includes a voice assistant capable of conversation rather than receiving special commands. The applications and commercialization of Google's LLMs continue, and will have grown considerably between the date of this Claim to the certification motion.
48. Google profits from these LLM powered tools via subscriptions fees as well as through its advertising and other revenues from its integrated products described above. Alphabet Inc.'s annual revenues, which include Google's, exceeded \$400 billion in 2025.
49. This incorporation of the products created through the LLMs into Google's existing technologies have generated revenue growth attributable to Gemini and therefore the infringement of the class members' works.
50. The products mentioned above are available and used by Canadians and Canadian corporations daily since each of these products' launch.

51. Google estimated it would spend \$185 billion dollars on Gemini and related expenditures in 2026, more than double that in 2025 and eclipsing rivals Microsoft, Meta, and Amazon. The Gemini chatbot had 750 million monthly active users as of December 2025.
52. None of these billions of dollars have gone to compensating the class members for the time, skill, and judgment that has gone into producing their works.

E. Google Knowingly Infringed the Class's Copyright In Order to Train Its LLMs

53. Training Google's LLMs requires the ingestion of large amounts of high-quality text-based works. Books in particular are a functional necessity because they contain extended logical flows, narrative arcs and structured text absent in news articles and social media posts. The long form text allows models to mimic grammar, knowledge, and complex reasoning skills.
54. This is the only way Google's AI products can write eloquently and produce relevant content, regardless of the form, substance, or context of the AI generated product (i.e. whether the Google LLM is generating text within one of Google's AI tools or as incorporated into Google's existing technologies). The same mass training was integral to Google's development of an LLM that can independently research and write multi-page reports, summarize emails or chat threads, or speak with a user conversationally.
55. In order to access the volume of data required to train Google's LLMs, Google has engaged in widespread, unauthorized copying and reproduction of copyrighted works, including the Plaintiffs' Works and the class members' works.
56. Google undergoes an iterative process to train its LLMs. At a high level, the training steps include the ingestion or acquisition of data, processing said data, pretraining, model

evaluation, and fine-tuning. The acquisition of data includes the steps of crawling various web sources, copying/downloading/scraping, and storing whole works or substantial reproductions of the works, described further below. This dataset then undergoes preparatory stages in processing, which cause more copies to be made. Pretraining, model evaluation, and fine-tuning also rely on the data obtained in the first two steps and exposure to additional training data, resulting in further unauthorized reproduction and use of the class members' works.

57. Google's training data largely originates from crawling and scraping data off the internet. Google has crawled and continues to crawl websites, and also downloads unauthorized "pirate libraries", "piracy websites", or "shadow libraries", such as the examples listed above for each of the Plaintiffs' Works. These are online repositories that provide illegal access to copyrighted content obtained through user uploads, scanning print books, and stealing content from publisher databases using compromised credentials.
58. Google has downloaded and used at least the following shadow libraries:
 - (a) CommonCrawl: This is one of the largest open-source web crawling databases, totalling petabytes of available data. Four filtered datasets based on CommonCrawl are C4, CC-Stories, CC-News, and RealNews. Google's LLMs have been at least trained on C4, to the extent that is knowable by the plaintiffs. A 2023 investigative study by the Washington Post analyzed the 15 million websites within the C4 dataset and found "b-ok.org," a known market for pirated e-books that had been seized by the U.S. Department of Justice. "b-ok.org" is also known as "Z-Library" and is one of the world's largest pirate e-book libraries, holding over 13.35 million

books. Furthermore, the study identified at least 27 other sites in C4 that were listed in the U.S. Trade Representative's Notorious Markets report, including the pirate library "oceanofpdf.org" and Scribd.com. In short, C4 contains massive quantities of copyrighted materials including the Plaintiffs' Works;

- (b) Google has also used the training datasets, "Books1" and "Books2". "Books1" is generally understood to be BookCorpus, while "Books2" is a significantly larger collection, estimated to contain nearly 300,000 titles. "Books2" is a library aggregating other shadow libraries like Library Genesis (LibGen) and Z-Library, mentioned above.

59. The creators of the pirate libraries did not license or obtain consent for the copyrighted work contained in the libraries, including the Plaintiffs' Works. At all material times, Google was fully aware that copyright subsisted in the works they were copying, that there was substantial value in these copyrights, and that Google's conduct was to the detriment of authors and a breach of copyright. At no time did Google seek licensing or consent from the class.
60. The full list of crawled websites and pirate libraries downloaded and used by Google to train its LLMs, the specific dates and details of Google's training processes, the exact contents of the datasets used, and the full scope of Google's infringing activities are solely within the knowledge and possession of Google and are not known to the plaintiffs.
61. A significant portion of the works of the class members were first copied from servers and websites in Canada, and next used by Google to train its LLMs.

- 62. The scraping and reproduction process engaged in by Google was for the purpose of developing for-profit, commercial products and services.
- 63. Google continues to engage in these unlawful activities.

F. Google Circumvented Technological Prevention Measures

- 64. The class members' works are often made available electronically, protected by encryption or digital rights management tools ("Technological Prevention Measures" or "TPM") to control access to the work. Google knew, or ought to have known that it would have to remove the TPMs or obtain copies with the TPM already removed in order for Google to access these works and make additional copies of them for LLM training purposes.
- 65. By scraping, accessing, and reproducing the works, Google circumvented the TPMs without the knowledge of the class. Google removed the TPMs itself or knew, or ought to have known, the books it used had the TPMs removed.
- 66. Google continues to engage in these unlawful activities.

G. Harm to the Class

- 67. Google's unauthorized copying and use of the works have caused, and continue to cause, significant harm to the plaintiffs and the class, including but not limited to:
 - (a) Unauthorized use of the class members' works without compensation;
 - (b) Loss of sales and licensing revenue for the class members' works;
 - (c) Diminishing the value of the class members' works;

- (d) Dilution of the market for the class members' works by enabling the generation of similar content cheaply by AI models.

IV. CAUSES OF ACTION

A. Infringement of Copyright

- 68. Each member of the class owns the copyright to at least one work.
- 69. As described above, Google downloaded each work one or more times, in whole or in substantial part, without a license or the consent of the members of the class.
- 70. As described above, Google made one or more copies of each work without a license or the consent of the members of the class.
- 71. Google used these copies to train its LLMs, which underly and power Google's commercial products, commercially competing directly with the class members.
- 72. At all material times, Google knew or ought to have known that copyright subsisted in a large number of the works that Google scraped or obtained from pirate libraries and elsewhere on the internet.
- 73. Google continues to engage in these unlawful activities.
- 74. For all these reasons, Google's conduct constituted a production or reproduction, in whole or substantial part, of the Plaintiffs' Works and other class members' works within the meaning of section 3(1) of the *Copyright Act*, and therefore an infringement of copyright within the meaning of section 27 of the *Copyright Act*.

75. All instances of downloading, copying, reproducing, using, and scraping by Google particularized herein were infringing reproductions contrary to sections 3 and 27 of the *Copyright Act*.
76. As described above, at all material times, Google knew or ought to have known that the works were protected by TPM, and accessing the works involved the circumvention of TPM contrary to s. 41.1 of the *Copyright Act*.

B. Discoverability & Fraudulent Concealment

77. Google actively, intentionally, and fraudulently concealed from the class the conduct particularized herein, preventing the class from discovering the infringements. In particular, the class is not aware of when or how often Google copied their works, when or how often Google created copies of the works for use in training its LLMs, or how many copies Google created of their works in training.
78. Additionally, Google repeats the conduct described above at paragraphs 53-66 each time that it trains a new model or a new version of its model. It continues to engage in the same conduct as it develops new models. Therefore, this is a continuing breach.

C. Aggravated, Exemplary and Punitive Damages

79. Google's conduct gave rise to intangible harms to the class, including anxiety, stress, and feelings of helplessness arising from the manner and scale of the unauthorized reproduction and use of their works, described above. The class members lack meaningful recourse against most such uses, as they are not informed of them and have no practical means of identifying the users. These harms support a claim for aggravated damages.

80. Google's knowing and willful conduct in infringing the rights of the class as described above is malicious, oppressive, highhanded, and offends decency, and should be sanctioned through an award of punitive and exemplary damages. Google knew or ought to have known that its use of the works would constitute copyright infringement, yet chose not to license the works. Its conduct is ongoing.
81. The infringement is occurring at an unprecedented scale and speed, with Google accessing hundreds of millions of books and other literary works to constantly update and improve its LLMs. The rights of the class have been and continue to be blatantly disregarded in favour of Google's own commercial gain in a race to create competing and superior LLMs.
82. The class has been stripped of their rights under the *Copyright Act*, including the chance to licence their works or their choice to not contribute to the development of the LLMs.
83. Absent this choice, the class has effectively been forced to participate in the development of a product that undermines the livelihood of Canadian authors, decreases demand for their products, and diminishes the value of their written human work. The LLMs are undermining the profitability of writing as a profession, while taking authors' works without consent or compensation.

V. OTHER

84. The plaintiffs plead and rely on the *Copyright Act*, RSC 1985, c C-42.
85. The plaintiffs propose that this action be tried in Toronto.



May 1, 2026

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