

Judge Refuses to Order Anti-Muslim Film off YouTube

An actress who said she was duped into appearing in an anti-Islam film that stoked violent protests against the United States across the Muslim world lost on Friday her second legal bid to force the video off YouTube.

Denying a request by actress Cindy Lee Garcia for a court order requiring the popular online video site to remove the crudely made 13-minute clip, a federal judge found she was unlikely to prevail on her claims of copyright infringement.

U.S. District Judge Michael Fitzgerald of Santa Clara, Calif., also canceled a Dec. 3 hearing he had previously set for oral arguments over Garcia's request.

Garcia's lawyer, Cris Armenta, told Reuters she planned to appeal the decision.

The lawsuit, filed in September, names YouTube and its parent company Google Inc as defendants, along with the film's producer.

A previous motion by Garcia for a temporary restraining order against YouTube's continued posting of the video was rejected by a Los Angeles County Superior Court judge.

Garcia's case was the first known civil litigation stemming from the video, billed as a film trailer, which depicts the Prophet Mohammad as a fool and a sexual deviant. The clip sparked a torrent of anti-American unrest in Egypt, Libya and dozens of other Muslim countries.

The outbreak of violence coincided with an attack on U.S. diplomatic facilities in Benghazi in September that killed four Americans, including the U.S. ambassador to Libya.

For many Muslims, any depiction of the prophet is considered blasphemous.

Google has refused to remove the film from YouTube, despite pressure from the White House and others to take it down, though the company has blocked the trailer in Egypt, Libya and other Muslim countries.

Copyright Claim

Garcia has accused the purported filmmaker of fraud, libel and unfair business practices.

But her federal lawsuit also asserts a copyright claim to her performance in the video, titled *The **Innocence of Muslims***, and accuses Google of infringing on that copyright by distributing the video without her approval via YouTube.

But in a three-page ruling, the judge questioned the validity of such a claim. He held that even if she could prove a legitimate copyright interest in her film performance, she effectively relinquished her rights to producers of the film.

Fitzgerald also ruled that Garcia failed to show that she would suffer irreparable harm without an injunction.

Garcia's lawsuit identifies Nakoula Basseley Nakoula, 55, an Egyptian-born Coptic Christian living in the Los Angeles area, as the film's producer. His legal name has since been established to be Mark Basseley Youssef and he served time in federal prison for bank fraud.

According to the lawsuit, Youssef operated under the assumed name of Sam Bacile when he misled Garcia and other performers into appearing in an anti-Muslim film they believed was to be an adventure drama called "Desert Warrior." She claims to have since received death threats.

Despite Friday's ruling against her, "We hope that worldwide the message has been heard that Ms. Garcia was not complicit

and did not voluntarily participate in this heinous piece of **hate speech**,” her lawyer said in a statement.

Youssef was sent back to jail for a year on Nov. 7 for probation violations stemming from his role in making the video, including his use of an alias in connection with the film.

Editing by Todd Eastham and Lisa Shumaker.

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