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9 Attorney for Applicant BigHit Music Co., Ltd.

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

13 CASE NO. 26-80108

14 In Re *Ex Parte* Application of BigHit Music
15 Co., Ltd.,

16 Applicant.

**DECLARATION OF CLAIRE SHIN IN
SUPPORT OF *EX PARTE* APPLICATION
FOR ORDER AUTHORIZING
DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS PURSUANT TO 28 U.S.C.
§ 1782 FILED BY BIGHIT MUSIC CO.,
LTD.**

DECLARATION OF CLAIRE SHIN

I, Claire Shin, declare as follows:

1. I am over twenty-one years old, an attorney, and the Head of Global Legal Affairs Team at HYBE Co., Ltd. (“HYBE”). I am making this declaration in support of the *Ex Parte* Application for an Order Authorizing Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782 (“Application”) filed by BigHit Music Co., Ltd. (“BigHit” or “Applicant”). I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. My employer HYBE is a multinational entertainment corporation established in February 2005 under the laws of the Republic of Korea (“South Korea”). It is publicly traded on the Korea Stock Exchange. HYBE’s principal place of business is in Seoul, South Korea.

3. BigHit is a corporation incorporated under the laws of South Korea, and is a subsidiary label of HYBE and wholly owned by HYBE. BigHit is the owner of the sound recording master rights at issue in the Application.

4. BigHit is engaged in the entertainment business with a focus on managing and training Korean pop (“K-pop”) singers, as well as operating a record label, talent agency, music production company, event and concert management company, and music-publishing house.

5. Social media is a vitally important resource that BigHit uses to enhance and grow the audiences and reach of its artists and performers, while the fan engagement developed through social media enhances sales, fans’ connections to the musicians, and related content. Because of Applicant’s extensive reliance on online engagement, BigHit’s and its artists’ business and reputation can be (and frequently are) dramatically impacted by statements made by their representatives, BigHit’s artists, and members of the public on social media platforms, such as X. One of the music groups that Applicant manages is K-pop sensation BTS, the internationally renowned artist group whose new album release is at the center of this dispute.

6. One of my responsibilities at HYBE is to deal with social media issues, including but not limited to unauthorized leaks and other publications of protected information about BigHit or its artists. BigHit and BTS invest extensive resources into planning and executing the most

1 effective release of albums, songs, lyrics, and associated material as possible, so as to have the
2 greatest possible impact on potential listeners and the market when the media are released.
3 Unauthorized leaks severely undermine these efforts, destroying the excitement and anticipation
4 for hearing never-before-released songs and causing substantial economic and reputational harm
5 in the process.

6 7. One of the social media platforms I deal with is X (formerly Twitter, now a service
7 offered by X Corp.). I understand that X Corp. (“X”) is a Nevada corporation headquartered in
8 Bastrop, Texas. I understand that X maintains corporate offices in the Northern District of
9 California in San Jose and Palo Alto, California. I also understand that X falls outside the
10 jurisdiction of the courts of South Korea.

11 8. On March 20, 2026, BTS released “Arirang,” which is a studio album containing
12 fourteen songs. Applicant holds various rights as pertaining to Arirang.

13 9. In early 2026, Applicant discovered that BTS’s not-yet-released songs, lyrics,
14 concept art, cover images, and associated information were being published without authorization
15 through the X account (“Account”) at issue in this Application. These leaks also included critical
16 comments about the music, such as describing it as having “corny ass lyrics.” In March 2026, the
17 Account repeatedly distributed unauthorized, leaked, and unreleased BTS songs that had not been
18 officially released or licensed for public distribution by the rights holder, BigHit. The leak of
19 BTS’s album destroyed the element of surprise that Applicant was building up towards its release,
20 adversely affecting its reputation and sales. This caused substantial harm to Applicant’s efforts to
21 enhance the public’s excitement about the anticipated official release of the Arirang album. The
22 Account’s display name “BTS ARIRANG LEAK” expressly confirms the illicit purpose of the
23 Account, and the Account’s user(s) even expresses awareness of potential legal issues by stating in
24 the Account’s biography “fan account | not violated any rules, no copyright, following all @x’s
25 rules.” The Account’s user(s) was expressly warned to stop its “unauthorized activity,” and was
26 notified that “we request that you remove the files from your system, including any mirrored or
27 duplicate copies of those files from your system, and/or that you disable all access to the
28 infringing files and associated links.” The Account does not contain any identifying information,

1 as both the display name and username are anonymous. The profile picture appears to depict an
2 individual of Korean ethnicity, suggesting that the user(s) is likely a Korean (particularly given the
3 subject of the account: a Korean pop music group), not American, citizen.

4 10. Upon discovery of the leaks, Applicant promptly reported the copyright violation to
5 X. Subsequently, the Account's posts have been deleted and the Account's username has been
6 changed to ~~✶~~. Nonetheless, the Account user(s)'s conduct has harmed Applicant's business and
7 reputation.

8 11. Neither I nor anyone else working on behalf of HYBE or BigHit have been able to
9 determine the identity or identities of the individuals responsible for leaking the protected
10 information on the @jwngkckk X account, despite reasonable efforts to do so. It also appears that
11 the Account's user(s) is attempting to hide his or her identity (as shown by the anonymized
12 display name "BTS ARIRANG LEAK" and username @jwngkckk). If X was subject to the
13 jurisdiction of South Korean courts, Applicant would be able to obtain the requested information
14 through regular discovery proceedings in South Korea. However, I understand that X is a Nevada
15 corporation with its principal office located in Bastrop, Texas, and that South Korean courts thus
16 do not have jurisdiction over X, which is why Applicant cannot seek discovery from X in the
17 lawsuit proceeding in South Korea.

18 12. Without information to identify the user of the @jwngkckk X account, BigHit will
19 not be able to obtain relief from South Korean courts. Applicant needs the identity of the
20 individual(s) who made the unauthorized and harmful publications on the @jwngkckk X account
21 to proceed with civil litigation in South Korea or other jurisdictions as may be appropriate and
22 necessary.

23 13. The Applicant has taken steps to prepare a civil lawsuit to be filed in South Korean
24 courts, asserting various good faith claims against the Account's user(s), including but not limited
25 to copyright and trade secret violations, misappropriation, breach of confidentiality obligations,
26 conversion, and other civil torts cognizable under South Korean law. By posting unreleased sound
27 recordings by BTS just days before those recordings were scheduled to be officially released, the
28 anonymous user(s) of the Account has/have harmed the Applicant's reputation and posed

1 monetary harms, including but not limited to loss of product sales and other marketing damages.
2 Applicant seeks to hold those responsible accountable and to recover damages through legal
3 proceedings in South Korea, but cannot do so unless it identifies the Account's user(s).

4 14. South Korean courts, including the courts that would preside over the lawsuit to be
5 filed, will receive as evidence the information sought in the Application. I am not aware of any
6 directive by South Korean courts that would preclude the use of the requested materials.

7 15. It is my understanding that South Korean telecommunication companies only store
8 identifying user data for ninety days, before it is purged under company policy. Thus there is an
9 urgent need to promptly identify information (including the user(s)' phone number(s)) from X, so
10 that Applicant may use the information to identify the user(s) through further efforts in South
11 Korea, as necessary.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14 Executed April 9, 2026, in Seoul, South Korea.

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16 _____
17 Claire Shin
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