

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PRL USA HOLDINGS, INC.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. 21-cv-01834

COMPLAINT

Plaintiff PRL USA Holdings, Inc. (“Plaintiff”), a subsidiary of Ralph Lauren Corporation (collectively, “Ralph Lauren”), hereby brings the present action against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, “Defendants”) and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, the Copyright Act 17 U.S.C. § 501, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in the United States, including Illinois, through at least the fully interactive, e-commerce stores¹ operating under the seller aliases identified in

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces and Domain Names.

Schedule A attached hereto (the “Seller Aliases”). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products using infringing and counterfeit versions of Ralph Lauren’s federally registered trademarks and/or unauthorized copies of Ralph Lauren’s copyrighted designs to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Ralph Lauren substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Ralph Lauren to combat e-commerce store operators who trade upon Ralph Lauren’s reputation and goodwill by selling and/or offering for sale unauthorized and unlicensed products, including clothing and handbags, using infringing and counterfeit versions of Ralph Lauren’s federally registered trademarks and/or unauthorized copies of Ralph Lauren’s federally registered copyrighted designs (collectively, the “Unauthorized Ralph Lauren Products”). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Unauthorized Ralph Lauren Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers establishing a logical relationship between them and that Defendants’ counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their counterfeiting operation. Ralph Lauren is forced to file this action to combat Defendants’ counterfeiting of Ralph Lauren’s registered trademarks and infringement of

its registered copyrighted designs, as well as to protect unknowing consumers from purchasing Unauthorized Ralph Lauren Products over the Internet. Ralph Lauren has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks and infringement of its copyrighted designs as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiffs

4. Plaintiff PRL USA Holdings, Inc. is a corporation organized and existing under the laws of Delaware, having its principal place of business at 650 Madison Avenue, New York, New York 10022.

5. Ralph Lauren was founded in 1967 by the iconic designer Mr. Ralph Lauren, and has become a leader in the design, marketing, and distribution of premium lifestyle products. For more than 50 years, Ralph Lauren's reputation and distinctive image have been consistently developed across an expanding number of products, brands and international markets. Brands of Ralph Lauren include Ralph Lauren, Ralph Lauren Collection, Ralph Lauren Purple Label, Polo Ralph Lauren, Polo Sport, Double RL, Lauren Ralph Lauren, Chaps, and Club Monaco, among others. For more than half a century, Ralph Lauren has sold high-quality apparel, accessories and other products, all of which prominently display its famous, internationally-recognized and federally-registered trademarks and/or copyrighted designs (collectively, the "Ralph Lauren Products"). Ralph Lauren Products have become enormously popular, driven by Ralph Lauren's arduous quality standards and innovative design. Among the purchasing public, genuine Ralph Lauren Products are instantly recognizable as such. In the United States and around the world, the Ralph Lauren brand has come to symbolize high quality and prestige.



6. Genuine Ralph Lauren Products are distributed through a worldwide network of authorized licensees, distributors and retailers, including Ralph Lauren retail stores throughout the United States and in Illinois, and through the official ralphlauren.com website (previously located at polo.com), which was launched in November 2000.






7. Ralph Lauren has continuously sold Ralph Lauren Products under the Ralph Lauren trademarks in the United States for many years. Ralph Lauren incorporates a variety of distinctive marks in the design of its various Ralph Lauren Products. As a result of its long-standing use, Ralph Lauren owns common law trademark rights in its trademarks. Ralph Lauren has also registered its trademarks with the United States Patent and Trademark Office. Ralph Lauren Products typically include at least one of the federally registered Ralph Lauren trademarks. Often Ralph Lauren trademarks are displayed in more than one location on a single product (*e.g.*, interior label, lining, or external name plate). Ralph Lauren uses its trademarks in connection with the marketing of its Ralph Lauren Products, including the following marks, which are collectively referred to as the “RALPH LAUREN Trademarks.”

Registration Number	Trademark	Goods and Services
1,447,282	RALPH LAUREN	For: frames for prescription and non-prescription lenses and complete sunglasses in class 009.
1,469,151	RALPH LAUREN	For: men's, women's, and children's dress and athletic shoes in class 025.
1,624,989	RALPH LAUREN	For: clothing - namely, suits, slacks, trousers, shorts, wind resistant jackets, jackets, blazers, dress shirts, knit shirts, sweatshirts, sweaters, hats, belts, socks, blouses, skirts, coats and dresses in class 025.
1,835,393	RALPH LAUREN	For: jewelry in class 014.

Registration Number	Trademark	Goods and Services
1,976,324	RALPH LAUREN	For: clutches, shoulder bags, cosmetic bags, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, circular cosmetic and personal grooming bags, clothing and personal item bags with drawstrings for over the shoulder use, grooming kits in the nature of small travelling bags for carrying personal hygiene items, travelling bags designed for holding suits, tie cases, satchels, purses and other personal item bags with rigid top supports, garment bags for travel, travelling bags for carrying personal items and clothing, coin bags, drawstring pouches, overnight bags, wallets and key holders, all sold empty in class 018.
1,972,538	RALPH LAUREN	For: jewelry in class 014.
2,207,011	RALPH LAUREN	For: intimate wear, namely, hosiery in class 025.
3,521,190	RALPH LAUREN	For: on-line retail store services featuring men's, women's and children's clothing, footwear, headgear, eyewear, handbags, backpacks, travel bags, wallets, athletic bags, jewelry, watches, sporting goods and accessories, fragrance, body lotions, home furnishing in the nature of bedsheets, duvet covers, comforters, blankets, pillows, towels, table cloths, dinnerware, picture frames in class 035.
3,764,868	RALPH LAUREN	For: horological and chronometric instruments, namely, mechanical and automatic watches, wrist watches, diving watches, stop watches, pocket watches, watch fobs, jewelry watches; horological and chronometric fittings, namely, parts, faces, movements, casings, crowns, bands, straps, pouches, boxes, clasps, winders, winding buttons, dials, chains, cases, straps made of metal, leather and plastic in class 014.

Registration Number	Trademark	Goods and Services
5,400,546	RALPH LAUREN	For: cuff-links in class 014. For: silver money clips in class 016.
1,363,459	POLO	For: clothing-namely, suits, slacks, trousers, shorts, wind resistant jackets, jackets, blazers, dress shirts, sweatshirts, sweaters, hats, belts, socks, blouses, skirts, coats, and dresses in class 025.
1,446,173	POLO	For: frames for prescription and non-prescription lenses and complete sunglasses in class 009.
1,468,420	POLO	For: men's, women's, children's and athletic shoes in class 025.
3,684,457	POLO	For: metal belt buckles not of precious metal in class 026.
5,512,126	POLO	For: clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases in class 018.
1,951,601	POLO SPORT	For: wearing apparel, namely pants, shorts, jackets, t-shirts, sport shirts, knit shirts, sweatshirts, hats, socks and footwear in class 025.
5,507,568	POLO RALPH LAUREN	For: clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases in class 018.

Registration Number	Trademark	Goods and Services
5,752,831	POLO BEAR	For: Backpacks; Tote bags; Wallets in class 18.
6,114,023	POLO BEAR	For: Watches; Decorative key fobs in class 14.
5,758,981	POLO BEAR	For: Pillows in class 20.
5,565,986	POLO BEAR	For: Sweaters, sweatshirts, t-shirts, outerwear, mesh shirts, shorts, swim trunks, ties, hats, socks, footwear, gloves, scarves in class 25.
4,602,237	POLO BEAR	For: Stuffed toys and clothing and accessories for stuffed toys in class 28.
1,485,359		For: mens', womens', childrens' and athletic shoes in class 025.
2,052,315		For: clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, pole bags, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases in class 018.

Registration Number	Trademark	Goods and Services
2,823,094		<p>For: wearing apparel, namely, sweaters and t-shirts in class 025.</p> <p>For: tote bags in class 018.</p>
3,199,839		<p>For: wearing apparel, namely, jackets, sweatshirts, sweat pants, hats, scarves, jerseys, jeans, turtlenecks and bikinis in class 025.</p>
3,812,741		<p>For: a full line of clothing in class 025.</p>
4,254,740		<p>For: eyewear in class 009.</p>
4,558,683		<p>For: retail and on-line retail store services featuring men's, women's, and children's clothing, footwear, headwear, eyewear, leather goods, handbags, duffel bags, tote bags, luggage, briefcases, sporting goods and accessories, fragrances and personal care products, jewelry, watches, and home furnishings in class 035.</p>

8. The above U.S. registrations for the RALPH LAUREN Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the RALPH LAUREN Trademarks constitute *prima facie* evidence of their validity and of Ralph Lauren's exclusive right to use the RALPH LAUREN Trademarks pursuant to 15 U.S.C. § 1057(b). The RALPH LAUREN Trademarks have been used exclusively and continuously by Ralph Lauren, some since at least as early as 1967, and have never been abandoned. True and correct copies of the United States Registration Certificates for the above-listed RALPH LAUREN Trademarks are attached hereto as **Exhibit 1**.

9. The RALPH LAUREN Trademarks have achieved tremendous fame and recognition, which has only added to the distinctiveness of the marks. As a result, the RALPH LAUREN Trademarks are both famous marks and valuable assets. As such, Ralph Lauren has built substantial goodwill in the RALPH LAUREN Trademarks, which is of incalculable and inestimable value to Ralph Lauren.

10. The RALPH LAUREN Trademarks have been widely promoted, both in the United States and throughout the world, and are among the world's most famous and widely-recognized trademarks. In fact, Ralph Lauren has expended hundreds of millions of dollars in advertising, promoting and marketing featuring the RALPH LAUREN Trademarks. Ralph Lauren Products have also been the subject of extensive unsolicited publicity resulting from their high-quality, innovative designs and renown as desired luxury items. Ralph Lauren augments this unsolicited media coverage with extensive paid advertising featuring internationally-known celebrities, such as Lily Aldridge, Olivia Palermo, Iman, Rachel Zoe, and Daniel Levy in upscale, luxury publications and on social media platforms worldwide. Ralph Lauren is also the official sponsor of Wimbledon and an official sponsor of the U.S. Open, and is the exclusive

Official Parade Outfitter for the U.S. Olympic and Paralympic Teams. Because of these and other factors, the Ralph Lauren name and the RALPH LAUREN Trademarks have become famous throughout the United States.

11. The RALPH LAUREN Trademarks are distinctive when applied to the Ralph Lauren Products, signifying to the purchaser that the products come from Ralph Lauren and are manufactured to Ralph Lauren’s quality standards. Ralph Lauren maintains quality control standards for all Ralph Lauren Products. All genuine Ralph Lauren Products are inspected and approved by or on behalf of Ralph Lauren prior to distribution and sale.

12. Ralph Lauren operates a website at ralphlauren.com where it promotes and sells genuine Ralph Lauren Products. The ralphlauren.com website features proprietary content, images and designs exclusive to Ralph Lauren.

13. Ralph Lauren has expended substantial time, money, and other resources in developing, advertising and otherwise promoting and protecting the RALPH LAUREN Trademarks. As a result, products bearing the RALPH LAUREN Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Ralph Lauren. Ralph Lauren is a multi-billion-dollar operation, and Ralph Lauren Products are among the most popular of their kind in the world.

14. Ralph Lauren has also registered many of its designs with the United States Copyright Office (collectively, the “Ralph Lauren Copyrighted Designs”), including the following:

U.S. Copyright Registration No.	Work Title and Design	Registration Date
VA 2-117-607	Red Sweater Bear	3/30/2018
VA 2-117-620	Hockey Jersey Bear	3/30/2018
VA 2-117-616	Basketball Bear	3/30/2018

U.S. Copyright Registration No.	Work Title and Design	Registration Date
VA 2-117-625	Soccer Player Polo Bear with Ball	4/30/2018
VA 2-122-321	Fisherman Bear	4/30/2018
VA 2-122-329	Tennis Bear	4/30/2018
VA 2-157-521	Martini Bear	10/4/2018
VA 2-157-621	Seated basketball bear in blue USA pullover	10/9/2018

True and correct copies of the U.S. federal copyright registration certificates and U.S. Copyright Office registration information for the above-referenced Ralph Lauren Copyrighted Designs are attached hereto as **Exhibit 2**.

15. Among the exclusive rights granted to Ralph Lauren under the U.S. Copyright Act are the exclusive rights to reproduce, prepare derivative works of, distribute copies of, and display the Ralph Lauren Copyrighted Designs to the public.

The Defendants

16. Defendants are individuals and business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Plaintiff. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

17. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Ralph Lauren to learn Defendants' true identities and the exact

interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Ralph Lauren will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

18. The success of the Ralph Lauren brand has resulted in its significant counterfeiting. Consequently, Ralph Lauren has a worldwide anti-counterfeiting program and regularly investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, Ralph Lauren has identified numerous fully interactive e-commerce stores, including those operating under the Seller Aliases, which were offering for sale and/or selling Unauthorized Ralph Lauren Products to consumers in this Judicial District and throughout the United States. E-commerce sales, including through e-commerce stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States. **Exhibit 3**, Excerpts from Fiscal Year 2018 U.S. Customs and Border Protection (“CBP”) Intellectual Property Seizure Statistics Report. Over 90% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* Over 85% of CBP seizures originated from mainland China and Hong Kong. *Id.* Counterfeit and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

19. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit 4**, Daniel C.K. Chow, Alibaba, Amazon, and Counterfeiting in the Age of the Internet, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also report on “Combating

Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020) attached as **Exhibit 5** and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. **Exhibit 5** at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit 5** at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” **Exhibit 4** at 186–187.

20. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold Unauthorized Ralph Lauren Products to residents of Illinois.

21. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases look sophisticated and accept payment in U.S. dollars via credit cards, Alipay, Amazon Pay, Western Union and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for

consumers to distinguish such stores from an authorized retailer. Ralph Lauren has not licensed or authorized Defendants to use any of its RALPH LAUREN Trademarks or copy or distribute the Ralph Lauren Copyrighted Designs, and none of the Defendants are authorized retailers of genuine Ralph Lauren Products.

22. Many Defendants also deceive unknowing consumers by using the RALPH LAUREN Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores in order to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Ralph Lauren Products. Other e-commerce stores operating under Seller Aliases omit using RALPH LAUREN Trademarks in the item title to evade enforcement efforts, while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Ralph Lauren Products.

23. On information and belief, Defendants have engaged in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-commerce platforms. On information and belief, certain Defendants have anonymously registered and maintained Seller Aliases to prevent discovery of their true identities and the scope of their e-commerce operation.

24. On information and belief, Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Unauthorized Ralph Lauren Products. Such seller alias registration patterns are one of many common tactics used by the Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

25. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with

common design elements that intentionally omit any contact information or other information for identifying Defendants or other Seller Aliases they operate or use. E-commerce stores operating under the Seller Aliases include other notable common features, such as use of the same registration patterns, accepted payment methods, check-out methods, keywords, illegitimate search engine optimization (SEO), advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Unauthorized Ralph Lauren Products for sale by the Seller Aliases bear similar irregularities and indicia of being unauthorized to one another, suggesting that the Unauthorized Ralph Lauren Products were manufactured by and come from a common source and that Defendants are interrelated.

26. On information and belief, Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyao.com and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

27. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Ralph Lauren's enforcement efforts. On information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore bank accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Ralph Lauren. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

28. On information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Unauthorized Ralph Lauren Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Ralph Lauren, have jointly and severally, knowingly and willfully used and continue to use the RALPH LAUREN Trademarks and/or copies of the Ralph Lauren Copyrighted Designs in connection with the advertisement, distribution, offering for sale, and sale of Unauthorized Ralph Lauren Products into the United States and Illinois over the Internet.

29. Defendants' unauthorized use of the RALPH LAUREN Trademarks and/or copies of the Ralph Lauren Copyrighted Designs in connection with the advertising, distribution, offering for sale, and sale of Unauthorized Ralph Lauren Products, including the sale of Unauthorized Ralph Lauren Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Ralph Lauren.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

30. Ralph Lauren hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

31. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered RALPH LAUREN Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The RALPH LAUREN Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Ralph Lauren Products offered, sold or marketed under the RALPH LAUREN Trademarks.

32. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the RALPH LAUREN Trademarks without Ralph Lauren's permission.

33. Ralph Lauren is the exclusive owner of the RALPH LAUREN Trademarks. Ralph Lauren's United States Registrations for the RALPH LAUREN Trademarks (Exhibit 1) are in full force and effect. Upon information and belief, Defendants have knowledge of Ralph Lauren's rights in the RALPH LAUREN Trademarks, and are willfully infringing and intentionally using counterfeits of the RALPH LAUREN Trademarks. Defendants' willful, intentional and unauthorized use of the RALPH LAUREN Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Unauthorized Ralph Lauren Products among the general public.

34. Defendants' activities constitute willful trademark infringement and counterfeiting under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

35. Ralph Lauren has no adequate remedy at law, and if Defendants' actions are not enjoined, Ralph Lauren will continue to suffer irreparable harm to its reputation and the goodwill of its well-known RALPH LAUREN Trademarks.

36. The injuries and damages sustained by Ralph Lauren have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Unauthorized Ralph Lauren Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

37. Ralph Lauren hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

38. Defendants' promotion, marketing, offering for sale, and sale of Unauthorized Ralph Lauren Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Ralph Lauren or the origin, sponsorship, or approval of Defendants' Unauthorized Ralph Lauren Products by Ralph Lauren.

39. By using the RALPH LAUREN Trademarks in connection with the Unauthorized Ralph Lauren Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Unauthorized Ralph Lauren Products.

40. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Unauthorized Ralph Lauren Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

41. Ralph Lauren has no adequate remedy at law and, if Defendants' actions are not enjoined, Ralph Lauren will continue to suffer irreparable harm to its reputation and the goodwill of the Ralph Lauren brand.

COUNT III
COPYRIGHT INFRINGEMENT OF UNITED STATES COPYRIGHT
REGISTRATIONS (17 U.S.C. §§ 106 and 501)

42. Ralph Lauren hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

43. Ralph Lauren is the owner of valid and enforceable Ralph Lauren Copyrighted Designs, which contain certain copyrightable subject matter under 17 U.S.C. §§ 101 and 501, *et seq.*

44. Ralph Lauren has complied with the registration requirements of 17 U.S.C. § 411(a) for the Ralph Lauren Copyrighted Designs and has obtained copyright registrations for the Ralph Lauren Copyrighted Designs.

45. Defendants do not have any ownership interest in the Ralph Lauren Copyrighted Designs. Defendants had access to the Ralph Lauren Copyrighted Designs via the internet.

46. Without authorization from Ralph Lauren, or any right under the law, Defendants have deliberately copied, displayed, distributed, reproduced and/or made derivative works incorporating the Ralph Lauren Copyrighted Designs on the e-commerce stores under the Seller Aliases and the corresponding Unauthorized Ralph Lauren Products. Defendants' derivative works are virtually identical to and/or substantially similar to the look and feel of the Ralph Lauren Copyrighted Designs. Such conduct infringes and continues to infringe the Ralph Lauren Copyrighted Designs in violation of 17 U.S.C. § 501(a) and 17 U.S.C. §§ 106(1)–(3), (5).

47. Defendants reap the benefits of the unauthorized copying and distribution of the Ralph Lauren Copyrighted Designs in the form of revenue and other profits that are driven by the sale of Unauthorized Ralph Lauren Products.

48. The Defendants have unlawfully appropriated Ralph Lauren's protectable expression by taking material of substance and value and creating Unauthorized Ralph Lauren Products that capture the total concept and feel of the Ralph Lauren Copyrighted Designs.

49. Upon information and belief, the Defendants' infringement has been willful, intentional, and purposeful, and in disregard of and with indifference to, Ralph Lauren's rights.

50. The Defendants, by their actions, have damaged Ralph Lauren in an amount to be determined at trial.

51. Defendants' conduct is causing, and unless enjoined and restrained by this Court will continue to cause, Ralph Lauren great and irreparable injury that cannot fully be compensated or measured in money. Ralph Lauren has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Ralph Lauren is entitled to a preliminary and permanent injunction prohibiting further infringement of the Ralph Lauren Copyrighted Designs.

PRAYER FOR RELIEF

WHEREFORE, Ralph Lauren prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using the RALPH LAUREN Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Ralph Lauren Product or is not authorized by Ralph Lauren to be sold in connection with the RALPH LAUREN Trademarks;
 - b. reproducing, distributing copies of, making derivative works of, or publicly displaying the Ralph Lauren Copyrighted Designs in any manner without the express authorization of Ralph Lauren;
 - c. passing off, inducing, or enabling others to sell or pass off any product as a genuine Ralph Lauren Product or any other product produced by Ralph Lauren, that is not Ralph Lauren's or not produced under the authorization, control, or supervision of

- Ralph Lauren and approved by Ralph Lauren for sale under the RALPH LAUREN Trademarks and/or the Ralph Lauren Copyrighted Designs;
- d. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Ralph Lauren Products are those sold under the authorization, control or supervision of Ralph Lauren, or are sponsored by, approved by, or otherwise connected with Ralph Lauren;
 - e. further infringing the RALPH LAUREN Trademarks and/or the Ralph Lauren Copyrighted Designs and damaging Ralph Lauren's goodwill; and
 - f. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Ralph Lauren, nor authorized by Ralph Lauren to be sold or offered for sale, and which bear any of Ralph Lauren's trademarks, including the RALPH LAUREN Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof and/or which bear the Ralph Lauren Copyrighted Designs;
- 2) Entry of an Order that, upon Ralph Lauren's choosing, the registrant of the Domain Names shall be changed from the current registrant to Ralph Lauren, and that the domain name registries for the Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Domain Names to a registrar of Ralph Lauren's selection, and that the domain name registrars, including, but not limited to, GoDaddy Operating Company, LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a PublicDomainRegistry.com ("PDR"), and Namecheap, Inc. ("Namecheap") shall take any

steps necessary to transfer the Domain Names to a registrar account of Ralph Lauren's selection; or that the same domain name registries shall disable the Domain Names and make them inactive and untransferable;

- 3) Entry of an Order that, upon Ralph Lauren's request, those with notice of the injunction, including, without limitation, any e-commerce platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com and Dhgate (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the RALPH LAUREN Trademarks and/or which bear the Ralph Lauren Copyrighted Designs;
- 4) That Defendants account for and pay to Ralph Lauren all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the RALPH LAUREN Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 5) In the alternative, that Ralph Lauren be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the RALPH LAUREN Trademarks;
- 6) As a direct and proximate result of Defendants' infringement of the Ralph Lauren Copyrighted Designs, Ralph Lauren is entitled to damages, as well as Defendants' profits, pursuant to 17 U.S.C. § 504(b);
- 7) Alternatively, and at Ralph Lauren's election prior to any final judgment being entered, Ralph Lauren is entitled to the maximum amount of statutory damages provided by law, \$150,000 per work infringed pursuant to 17 U.S.C. § 504(c), or for any other such amount as may be proper pursuant to 17 U.S.C. § 504(c);

- 8) That Ralph Lauren be awarded its reasonable attorneys' fees and costs; and
- 9) Award any and all other relief that this Court deems just and proper.

Dated this 6th day of April 2021.

Respectfully submitted,

/s/ Justin R. Gaudio

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