

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

SWAROVSKI AKTIENGESELLSCHAFT and
SWAROVSKI NORTH AMERICA LIMITED,

Plaintiffs,

v.

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

Defendants.

Case No. 23-cv-01579

COMPLAINT

Plaintiffs Swarovski Aktiengesellschaft and Swarovski North America Limited (collectively, “Swarovski” or “Plaintiffs”) hereby bring the present action against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, “Defendants”) and allege 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.*, 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 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/or funds from U.S. bank accounts and, on information and belief, have sold products using infringing and counterfeit versions of Swarovski’s federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Swarovski substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Swarovski to combat e-commerce store operators who trade upon Swarovski’s reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products using infringing and counterfeit versions of Swarovski’s federally registered trademarks (the “Counterfeit Swarovski Products”). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale, and selling Counterfeit Swarovski 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. Swarovski is forced to file this action to combat Defendants’ counterfeiting of its registered trademarks, as well as to protect unknowing consumers from

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

purchasing Counterfeit Swarovski Products over the Internet. Swarovski has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiffs

4. Plaintiff Swarovski Aktiengesellschaft ("SAG") is a Liechtenstein joint-stock company with its principal place of business at Droschistrasse 15 FL-9495 Triesen, Liechtenstein. SAG owns all right, title and interest in and to the SWAROVSKI® mark and name for use in connection with a wide range of goods and services.

5. Plaintiff Swarovski North America Limited ("SNA") is a Rhode Island corporation with its principal place of business at One Kenney Drive, Cranston, Rhode Island 02920. SNA uses the SWAROVSKI® mark under express permission from SAG.

6. Swarovski is a world-famous designer, manufacturer and distributor of crystals, jewelry and other fine, luxury products. With more than 120 years of experience in high-quality craftsmanship and mastery of precision cutting, Swarovski is known for its crystals of unmatched range and brilliance. They are used in creative industries such as fashion, jewelry, accessories, interior design, and lighting. Swarovski crystals are the most technologically advanced in the world.

7. Swarovski designs, manufactures, and sells many high-quality crystal and gemstone products, including, but not limited to, jewelry, watches, accessories, handbags, sunglasses, figurines, and other decorative items (these and other genuine Swarovski branded products are collectively referred to herein as the "Swarovski Products"). Swarovski's finely crafted jewelry, watches, and fashion accessories provide modern and multifaceted women with a

unique touch of sparkle, glamour, and elegance. Each of Swarovski's eye-catching designs is infused with technical expertise and a passion for detail that has characterized the brand since its inception in 1895.

8. Swarovski Products are sold in approximately 170 countries worldwide, with production locations based in Austria, India, Thailand, Vietnam, Serbia and the United States. Number one in the fashion jewelry segment, Swarovski sells its creations in approximately 2,800 of its own branded stores around the globe, including 280 stores in the United States.

9. Since its founding in 1895, the unique and highly desirable Swarovski Products have led to enormous growth and financial success for Swarovski. In 2017 Swarovski reported revenue of more than \$4 Billion, with the crystal business alone generating revenue of more than \$3 Billion worldwide.

10. The root of this financial success lies in Swarovski's ability to consistently deliver highly desirable Swarovski Products. Swarovski Products have become enormously popular and even iconic, driven by Swarovski's arduous quality standards and innovative designs. Among the purchasing public, genuine Swarovski Products are instantly recognizable as such. In the United States and around the world, the Swarovski brand has come to symbolize high quality, and Swarovski Products are among the most recognizable in the world.

11. Providing genuine Swarovski branded retail store services over the Internet to sell genuine Swarovski Products is an important part of Swarovski's business strategy. Since 1996, Swarovski has operated a website at Swarovski.com where it promotes and sells genuine Swarovski Products. The Swarovski.com website features proprietary content, images and designs exclusive to Swarovski.

12. Swarovski has been using its trademarks in commerce continuously and consistently in the United States for many decades. Swarovski's trademarks are critical to its business. Swarovski is the owner of and has widely promoted several trademarks which have earned substantial fame and considerable goodwill among the public. Swarovski has used its family of trademarks (collectively, the "SWAROVSKI Trademarks") on or in close connection with its line of jewelry, figurines, and accessories, as well as in connection with packaging, retail store services, and online e-commerce. Swarovski Products and/or its packaging always include at least one of the SWAROVSKI Trademarks. Swarovski incorporates a variety of distinctive marks in its various Swarovski Products. Consequently, the United States Patent and Trademark Office has granted Swarovski multiple federal trademark registrations. Swarovski currently owns 69 federal trademark registrations and eight pending applications, and it uses the SWAROVSKI Trademarks in connection with the marketing of its Swarovski Products. The SWAROVSKI Trademarks, including but not limited to those listed below, are famous and valuable assets of Swarovski.

13. Regis tratio n No.	Trademark	Goods and Services
934,915	SWAROVSKI	<p>For: Natural and imitation jewelry, cut and uncut semi-precious stones, beads for stringing into necklaces, or for attaching to fabrics for decorative purposes, of glass or synthetic materials, jeweled buttons for garments, pendants set or loose, pierced or unpierced, jewel ornamented souvenir articles, jewel ornamented ribbon or tape for decorative purposes for garments or home furnishings in class 008.</p> <p>For: Decorative and functional glass containers, jewel-ornamented-glasses in class 019.</p>
1,739,479	SWAROVSKI	

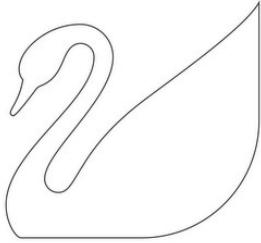
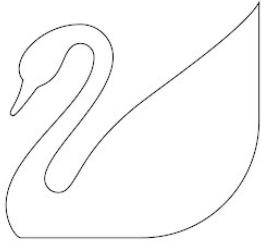
		<p>For: Genuine and artificial gemstones, jewelry in class 014.</p> <p>For: All purpose handbags in class 018.</p> <p>For: Glass candle sticks in class 021.</p>
2,402,230	SWAROVSKI	<p>For: Watches in class 014.</p>
3,239,948	SWAROVSKI	<p>For: Cosmetics, perfumes in class 003.</p> <p>For: Handles and fittings for doors and drawers, partition wall panels, all mentioned goods primarily of common metal in class 006.</p> <p>For: Spectacles and spectacle frames, sun glasses; opto-electrical apparatus for day and night observation, range finding, aiming, image recording and inspection, fine mechanical parts for optical measuring instruments; binoculars; telescopic sights, magnifying glasses, rifle scopes, oculars in class 009.</p> <p>For: Chandeliers and chandelier pendants, chandelier parts of glass; bath and kitchen fittings for sinks, basins, bath tubs and showers in class 011.</p> <p>For: Writing instruments in class 016.</p> <p>For: Hand bags, purses, wallets in class 018.</p> <p>For: Mirrors, frames, namely, mirror and picture frames in class 020.</p> <p>For: Glassware, in particular figurines, decorative boxes, vases, candle sticks holders, hollow drinking glasses, tableware, namely, bowls, napkin rings, all mentioned goods primarily of glass in class 021.</p> <p>For: Clothing, in particular gloves, jeans in class 025.</p> <p>For: Ornaments, namely, small metal plates and glass stones arranged in motives on a transparent plastic foil, which also includes textile, leather and metal for decorative use by ironing or hot pressing; buttons for clothing, snap fasteners, spangles, jewelry hair bands, decorative hair bands, clothing buckles in class 026.</p>

		<p>For: Decorations for Christmas trees in class 028.</p> <p>For: Retail store services, in particular for gem stones, jewelry, decorative articles primarily made of glass, spectacles, bags, lighting apparatus; organization of exhibitions for commercial or advertising purposes with respect to the above-mentioned goods and services; publicity and sales promotion for others in class 035.</p> <p>For: Entertainment, education and cultural activities, in particular arranging and conducting seminars, workshops, symposiums and conferences, organisation of exhibitions for cultural or educational purposes, organisation of entertainment shows, organisation of fashion shows, presentation of live show performances, musical band performances in class 041.</p>
3,864,495	SWAROVSKI	For: Printed matter, namely, greeting cards, books in the fields of jewelry, fashion, design, interior design, architecture, lighting, lifestyle and cosmetics in class 016.
4,570,427	SWAROVSKI	For: Headphones, in particular stereo headphones and in-ear-headphones; cases and covers specifically designed for headphones, digital assistants and mobile telephones; optical lenses for telescopic sights for fire arms, field glasses and spy glasses; camera lenses; protective helmets for sports in class 009.
1,650,596		<p>For: Eyeglasses in class 009.</p> <p>For: Lighting elements and their glass parts in class 011.</p> <p>For: Watches and parts thereof, jewelry in class 014.</p> <p>For: All purpose handbags in class 018.</p> <p>For: Decorative items of glass, namely, animal figures, flowers, fruit bowls; glass candlesticks in class 021.</p>

2,408,747		For: Watches in class 014.
3,230,029		<p>For: sun glasses in class 009.</p> <p>For: Chandeliers and chandelier pendants in class 011.</p> <p>For: hand bags, purses, wallets in class 018.</p> <p>For: mirrors and frames in class 020.</p> <p>For: Glassware, in particular figurines, decorative boxes, vases, candle sticks holders, hollow drinking glasses, tableware, namely, bowls, napkin rings, all mentioned goods primarily of glass in class 021.</p> <p>For: Clothing, in particular gloves in class 025.</p> <p>For: Decorations for Christmas trees in class 028.</p> <p>For: Retail store services, in particular for gem stones, jewelry, decorative articles primarily made of glass, spectacles, bags, lighting apparatus; organization of exhibitions for commercial or advertising purposes with respect to the above-mentioned goods and services; publicity and sales promotion for others; in class 035.</p> <p>For: Entertainment, education and cultural activities, in particular arranging and conducting seminars, workshops, symposiums and conferences, all the foregoing in the field of jewelry, arts and fashion; organization of exhibitions for cultural or educational purposes, organization of entertainment shows, organization of fashion shows, presentation of live show performances in class 041.</p>

4,791,314		For: Genuine and costume jewelry; silver jewelry; gold jewelry; personal ornaments of precious or semi-precious metal; necklaces; earrings; bracelets; jewelry rings; brooches; bangles; pendants; chains of precious metals; lockets; small items of jewelry of glass, natural or artificial precious stones, plastic, common or precious metal for personal use in class 014.
5,699,974		<p>For: Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, namely, jewellery of precious metal, jewellery chains of precious metal, jewellery coated with precious metal, jewellery cases of precious metal, key chains of precious metal; jewellery, precious stones; tiaras; horological and chronometric instruments; genuine and costume jewellery; gemstones; ornaments of precious metal in the nature of jewellery; necklaces; earrings; bracelets; rings; brooches; bangles; charms for jewellery; pendants; chains of precious metals; lockets; cuff links; medallions; key chains of precious metal; key chains incorporating trinkets; items of jewellery of glass, natural or artificial precious stones, plastic, common or precious metal for personal use; jewellery cases; watches and clocks and their parts; non-smart watches incorporating a memory function; cases adapted for holding watches and clocks; jewellery stones of faceted glass in class 014.</p> <p>For: Retail store and wholesale store services featuring gem stones, jewelry, decorative articles primarily made of glass, eyewear, glassware, textiles and clothing; retail store and wholesale store services via the Internet featuring gem stones, jewelry, decorative articles primarily made of glass, eyewear, glassware, textiles and clothing; commercial promotion and advertising services; commercial promotion and advertising services via the Internet; commercial information and advice for consumers in the choice of products and services; organization of exhibitions for commercial or advertising purposes; sales promotion; dissemination of advertisements, namely, leaflets, prospectuses, printed matter, and samples; the bringing together, for the benefit of others, of a variety of goods, excluding the transport</p>

		thereof, enabling customers to conveniently view and purchase those goods; the bringing together, for the benefit of others, of a variety of goods, excluding the transport thereof, enabling customers to examine such products on a web site and purchase those goods conveniently; all the aforementioned services in relation to jewellery, necklaces, earrings, bracelets, rings being jewellery, charms being jewellery, pendants, key chains watches, clocks, jewellery ornaments, figurines, festive decorations, decorative articles primarily made of glass, chandeliers, chandelier parts, lighting apparatus, writing instruments, bags, pouches, wallets, mobile phone cases, sunglasses, eyewear, sunglass and eyewear cases, glassware, glass bowls, boxes of glass, drinking glasses, tableware, other than knives, forks and spoons, vases, candlesticks, mirrors, picture frames, perfumery, cosmetics, wearable electronic devices and wearable activity trackers, clothing, shoes, textile goods, furniture, USB sticks, USB flash drives, USB compatible data storage devices, stylus pens for use with touch-screens, speakers and speaker systems, bags, cases and covers specifically designed for headphones, computers, digital assistants and mobile telephones; advertising and promotion services relating to the aforementioned goods in class 035.
5,786,531	 A black and white logo featuring a stylized swan in profile, facing left. The swan's neck is curved, and its body is composed of a halftone dot pattern that tapers towards the tail. The background is plain white.	For: Eyewear; sunglasses; eyewear parts and accessories in the nature of frames, chains, and cases; blank digital storage media; accessories for digital and electronic devices, namely, carrying cases for mobile phones and smartphones; cases and covers for mobile phones and smartphones; computer application software for all mobile devices, namely, software for providing information in the field of fashion, the arts and lifestyle in class 009.
5,786,768	 A black and white logo featuring a stylized swan in profile, facing left. The swan's neck is curved, and its body is composed of a solid dark gray shape that tapers towards the tail. The background is plain white.	For: Jewelry and watches in class 014.

5,786,769		For: Jewelry and watches in class 014.
5,903,320		<p>For: Decorative items of glass, namely, figurines, bowls, candle holders, vases, hollow drinking glasses in class 021.</p> <p>For: Decorations for Christmas trees in class 028.</p>
6,559,381		<p>For: Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments; tiaras; hair ornaments of precious metal in the nature of jewellery for use in the hair; gemstones; synthetic precious stones; imitation precious stones; jewellery stones of faceted glass; ornaments of precious metal in the nature of jewellery; magnets being jewellery, namely, magnetic necklaces, magnetic pendants; necklaces; earrings; bracelets; rings being jewellery; jewellery brooches; bangles; jewellery charms; charms for key rings; pendants; jewellery chains of precious and semi-precious metals; chain belts being jewellery; lockets; cuff links; tie pins and tie clips; shoe clips being jewellery; scarf clips being jewellery; medallions; key chains; key rings; items of jewellery of glass, natural or artificial precious stones, plastic, common or precious metal for personal use; beads for making jewellery; watches and clocks and their parts; watch bands and straps; cases adapted for holding watches and clocks; jewellery cases; jewellery boxes in class 014.</p> <p>For: Advertising; business management; business administration; office functions; retail store and wholesale store services featuring precious stones and imitations of precious stones, jewelry and jewelry accessories, watches and clocks and their parts, stationery, pens and writing instruments, eyewear, fashion accessories, clothing, footwear, headwear, handbags, bags and small leather goods,</p>

	<p>electronic devices and accessories, perfumes, cosmetics, toiletry preparations, chandeliers, lamps and lighting fixtures, home goods, accessories and decor, figurines and crystal goods, holiday ornaments, binoculars, telescopes and telescopic sights; online retail and wholesale store services featuring precious stones and imitations of precious stones, jewelry and jewelry accessories, watches and clocks and their parts, stationery, pens and writing instruments, eyewear, fashion accessories, clothing, footwear, headwear, handbags, bags and small leather goods, electronic devices and accessories, perfumes, cosmetics, toiletry preparations, chandeliers, lamps and lighting fixtures, home goods, accessories and decor, figurines and crystal goods, holiday ornaments, binoculars, telescopes and telescopic sights; the bringing together, for the benefit of others, of a variety of goods, excluding the transport thereof, enabling customers to conveniently view and purchase those goods by means of retail stores featuring precious stones and imitations of precious stones, jewelry and jewelry accessories, watches and clocks and their parts, stationery, pens and writing instruments, eyewear, fashion accessories, clothing, footwear, headwear, handbags, bags and small leather goods, electronic devices and accessories, perfumes, cosmetics, toiletry preparations, chandeliers, lamps and lighting fixtures, home goods, accessories and decor, figurines and crystal goods, holiday ornaments, binoculars, telescopes and telescopic sights; the bringing together, for the benefit of others, of a variety of goods, excluding the transport thereof, enabling customers to conveniently view and purchase those goods by means of online retail stores featuring precious stones and imitations of precious stones, jewelry and jewelry accessories, watches and clocks and their parts, stationery, pens and writing instruments, eyewear, fashion accessories, clothing, footwear, headwear, handbags, bags and small leather goods, electronic devices and accessories, perfumes, cosmetics, toiletry preparations, chandeliers, lamps and lighting fixtures, home goods, accessories and decor, figurines and crystal goods, holiday ornaments, binoculars, telescopes and telescopic sights; commercial promotion, information and advertising services, also provided via the internet;</p>
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		<p>organization of exhibitions, fairs and fashion shows for commercial or advertising purposes; sales promotion for others; dissemination of advertisements in the nature of leaflets, prospectuses, printed matter, and samples; Distribution of advertising material including in electronic form; promotional sponsorship of entertainment, sporting and cultural events; business advice and consultancy relating to franchising; customer loyalty and rewards services, namely, conducting an incentive rewards program to promote the sale of a company's goods and services and to provide customers with specified benefits for promotional purposes, namely, promotions, invites to special events, early notification of product releases and discounts on products and tickets to events in class 035.</p>
6,573,119		<p>For: Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and detergents for laundry use; cleaning, polishing, scouring and abrasive preparations; fragrances; aromatic oils; non-medicated soaps; bath gels and non-medicated bath salts; make-up preparations; non-medicated skin care preparations; hair care preparations; nail care preparations; temporary tattoo transfers; temporary tattoo sprays and stencils therefor sold as a unit; decorative transfers and skin jewels for cosmetic purposes; nail polish and paint; nail glitter; nail art stickers; lipstick holders and cases; compacts sold filled with cosmetics and make-up in class 003.</p> <p>For: Hand-operated hand tools and implements, namely, hand-operated cutting tools, cuticle nippers, cuticle pushers, electric and non-electric depilation appliances, electric or non- hair-removing tweezers, electric or non-electric fingernail polishers; table cutlery; side arms, not including firearms, namely, swords, hunting knives; razors; manicure and pedicure sets; nail files; nail clippers; scissors; tweezers; eye lash curlers; hair styling devices, namely, electric irons for styling hair, hair clippers, hair trimmers, electric hair straighteners; knife handles, not of metal in class 008.</p>

	<p>For: Scientific apparatus, namely, spectrometers and parts and fittings therefor; navigation apparatus for vehicles; surveying apparatus and instruments; photographic cameras; cinematographic machines and apparatus; audiovisual receivers; optical apparatus and instruments, namely prisms for optics purposes, optical lenses, optical glasses, close-up lenses; weighing apparatus and instruments; measuring apparatus and instruments, namely measuring glassware, hourglasses being time measuring apparatus, measuring spoons, cups and bowls; signalling apparatus and instruments, namely vehicle traffic signals; life saving apparatus, namely, life preservers; teaching apparatus, namely, multimedia projectors; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; downloadable educational media, namely, audio files, video recordings, multimedia files, featuring information about gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; pre-recorded CDs, video tapes, laser disks and DVDs featuring information about gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; recorded and downloadable computer software for configuring and operating and analyzing data uploaded from wearable computer products; blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus; eyeglasses and eyeglass frames; optical, magnifying, ophthalmic and photographic lenses; sun glasses; earphones; headphones; audio speakers; computers; handheld electronic devices, namely, handheld computers, laptop computers, tablet computers, personal digital assistants (PDAs), electronic personal organizers, digital notepads, smartphones; portable and handheld digital multifunctional</p>
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	<p>electronic devices for receiving, storing and transmitting of data and messages; mobile telephones; cameras; video cameras; downloadable music files; audio and video recordings featuring music and artistic performances; blank USB flash drives; stylus pens for use with touch screens; tripods for binoculars, telescopes and telescopic sights; tripod adapters for binoculars and telescopic sights; tripod plates for binoculars and telescopic sights; mirrors, namely, signal mirrors, inspection mirrors, optical mirrors; prisms for optics purposes; binoculars; opera-glasses; telescopes; telescopic sights; magnifying glasses; optical measuring apparatus in the nature of lensometers, not for medical purposes; optical apparatus of all kinds, namely field glasses; monoculars; collimators; rifle scopes; oculars; wearable activity trackers; global positioning system (GPS) devices; smartwatches; wearable electronic devices in the nature of watchbands that communicate data to other electronic devices; smart glasses; smart rings; smart clothes in the nature of wearable activity trackers in the form of shirts; connected bracelets in the nature of wearable activity trackers in the form of bracelets; calorie meters; mobile digital electronic devices for exercise user, namely, electronic heart rate recorders other than for medical use; pedometers; altimeters; USB-compatible data storage devices, namely, hard disk drives; battery chargers; portable battery packs; mobile phone straps, eyeglass cords, sunglass cords, chains for sunglasses, chains for eyeglasses, eyeglass lanyards, retainers for spectacles, camera straps, slings for cameras, eyeglass temples, sunglass temples, eyeglass frames, sunglass frames, spectacle holders, sunglass holders, holders for mobile phones, carriers adapted for mobile phones, stands adapted for mobile phones, stands adapted for tablet computers, stands adapted for laptops, tablet holders adapted for use in cars, hands-free kits for mobile phones, hands-free holders for mobile phones, loudspeaker stands, camera stands, camera tripods, camera bipods, camera monopods, camera mounts, selfie sticks used as smartphone accessories, computer mousepads, computer mouses, computer keyboards, computer docking stations, power supplies for smartphones, portable power supplies in</p>
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	<p>the nature of rechargeable batteries, wireless charging pads for smartphones, audio speaker enclosures, adapter cables for headphones, USB cables, USB adapters, USB chargers, USB hubs, smartwatch straps, smartwatch bands; bags, cases and covers, all specially adapted for all of the foregoing goods; cases especially made for photographic apparatus and instruments; decorative magnets in the nature of crystal magnets; protective helmets for sports; warning triangles for vehicles; reflectors for road safety, namely, reflecting luminous or mechanical road signs, LED vehicle traffic signals and reflective clothing and armbands for pedestrian safety in class 009.</p> <p>For: Apparatus for lighting purposes, namely, lighting installations, lighting fixtures, LED (light emitting diode) lighting fixtures for use in display, commercial, industrial, residential, and architectural accent lighting applications; apparatus for heating purposes, namely, electric kettles, heating apparatus for dispensing hot beverages, electrically-heated ice cream scoops; apparatus for cooling purposes, namely, refrigerators, beverage cooling and ice dispensing machines, air conditioners; apparatus for steam generating; apparatus for cooking purposes, namely, cooktops, microwave ovens; apparatus for drying purposes, namely nail drying machines for beauty salon use, hair drying machines for beauty salon use, touchless hand drying apparatus; apparatus for ventilating purposes, namely, ventilating fans for commercial and industrial use; apparatus for water supply purposes in the nature of regulating accessories for water supply, namely, metered valves, faucets; apparatus for sanitary purposes, namely, hand wash basins being parts of sanitary installations; chandeliers and ornamental decorations specially adapted for affixation to chandeliers, ornamental decorations in the nature of pendants specially adapted for affixation to chandeliers; chandelier parts of glass or crystal; lighting fixtures; electric track lighting units; lamps; flat panel lighting apparatus; electric candelabras; reflectors and lights for vehicles; bathroom and kitchen installations for water supply purposes, namely, sinks, faucets, faucet</p>
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	<p>handles, sink sprayers, shower sprayers, shower mixers in class 011.</p> <p>For: aper and cardboard; printed matter, namely, books, magazines, catalogs, handbooks, newsletters, guides, and brochures about gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; bookbinding material; photographs; adhesives for stationery or household purposes; printed teaching and instructional materials in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks; packing paper; paper ribbons, other than haberdashery or hair decorations; bags, envelopes and pouches of paper for packaging; boxes of cardboard or paper; brochures about gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; catalogues in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; manuals in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; books in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; coffee table books in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; greeting cards; packaging pouches, packaging wrappers and packaging bags of plastic; labels of cardboard or paper; notebooks; scrapbooks; blank writing journals; calendars; bookends; bookmarks; paperweights; passport holders; passport covers; paper banners; paper or cardboard containers for storage or transport in class 016.</p> <p>For: Leather and imitations of leather; animal skins and hides; luggage and all-purpose carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals; carry-on bags, beach bags, leather bags;</p>
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	<p>handbags; briefcases; clutch bags; luggage; suitcases; trunks being luggage and travelling bags; purses; wallets; small leather goods, namely leather coin purses, cases of leather, boxes of leather, labels of leather, bags, envelopes and pouches of leather for packaging, leather pouches; sponge bags, namely, toiletry bags sold empty; drawstring, button, and zip pouches for holding personal items; carrying cases; book bags; athletic bags; backpacks; general purpose carrying bags for manicure sets sold empty; tote bags; toiletry bags sold empty; cosmetic bags sold empty; felt pouches; key holders being key cases; credit card holders; attaché cases; covers for animals; muzzles; umbrella handles; umbrella covers; luggage tags; all of the aforementioned goods also made with crystals in class 018.</p> <p>For: Furniture, mirrors, picture frames; containers, not of metal or paper, for storage or transport; unworked or semi-worked mother-of-pearl; shells, unworked or semi-worked; meerschaum, raw or partly worked; yellow amber, raw or partly worked; figurines, caskets, busts, sculptures and statues made of wood, cork, reed, cane, wicker, shell, amber, mother-of pearl, meerschaum and substitutes for all these materials, or of plastics; non-metal chests; furniture, namely, showcases; beds; sofas; armchairs; chairs; coat stands; shelves; serving trolleys; curtain rods; room dividers; wind chimes; decorative bead curtains; hand mirrors, namely, cosmetic mirrors and dressing table mirrors; kennels for household pets; cushions; decorative mobiles; bins, not of metal; book rests; bottle caps, not of metal; bottle casings of wood, namely, wood cases; bottle closures, not of metal; bottle racks; boxes of wood or plastic; chests of drawers; clothes hooks, not of metal; coat hangers; coat hooks, not of metal; curtain holders, not of textile material; curtain hooks; curtain rails; curtain rings; door fittings, not of metal; drawer fittings, not of metal, namely, drawer knobs, drawer handles; furniture fittings, not of metal, namely, furniture knobs, furniture handles; knobs and door and window handles, not of metal; flower pot pedestals; flower-stands; keyboards for hanging keys; letter boxes, not of metal or masonry; magazine racks; nameplates,</p>
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	<p>not of metal; number plates for vehicles, not made of metal in class 020.</p>
	<p>For: Household or kitchen utensils, namely, sieves, spatulas, skimmers, strainers, turners, kitchen tongs, serving scoops; containers for household or kitchen use; cookware, namely pots and pans; tea services in the nature of tableware; combs; sponges for household purposes, toiletry sponges; cleaning brushes for household use; brush-making materials; articles for cleaning purposes, namely, grill scrapers, cleaning cotton, cleaning sponges, cleaning cloths, cleaning rags, cleaning pads; unworked or semi-worked glass, except building glass; beverage glassware, boxes of glass, porcelain and earthen dinnerware; ornaments of crystal, earthenware, ceramic, glass or porcelain, not including Christmas tree ornaments, decorative plates, decorative glass balls; figurines made of crystal, earthenware, ceramic, glass, porcelain; barware, namely, wine glasses, champagne glasses, champagne flutes, beer glasses, whiskey liquor glasses, brandy glasses, shot glasses, cocktail glasses, longdrink glasses, juice glasses, cocktail shakers, mixing spoons, ice scoops, ice tongs, serving tongs; vases; flower pots; non-electric candelabras; candlesticks; candle holders; candle rings; crockery, namely, drinking cups and saucers, serving bowls and trays; dishes; heat-insulated flasks and containers for household use; knife rests; table utensils of glass, namely glass dishes, glass plates, glass bowls, glass carafes, drinking straws of glass, fruit cups of glass; mugs; cups; bottles, sold empty; carafes; decanters; drinking glasses; goblets; soap holders; serving utensils, namely, serving forks, serving ladles, serving spoons, serving tongs; glass jars; bowls; serving platters; teapots; coffee pots; cake stands; pots; saucers; hair brushes, makeup brushes and nail brushes; salt and pepper shakers decorated with glass; perfume vaporizers sold empty; chopsticks; clothes-pegs; coasters, not of paper or textile; bottle stoppers made of glass; bottle openers; portable wine coolers; cocktail stirrers; corkscrews; ice buckets; napkin holders; napkin rings; piggy banks; towel rails and rings; trays for domestic purposes; cleaning cloths; vinyl or plastic place mats; holiday ornaments made</p>

	<p>of crystal, earthenware, ceramic, glass, porcelain, not including tree ornaments in class 021.</p> <p>For: Textiles, namely textile fabrics for use in making clothing and household furnishings; textile substitute materials made from synthetic materials, felt and non-woven textile materials; household linen; curtains of textile or plastic; furnishing fabrics; fabrics for textile use; towels; textile fabrics for use in the manufacture of wall coverings; bath linen; bed linen and blankets; bed covers; blanket throws; plastic table covers; unfitted furniture coverings of textile or plastic; covers for cushions; place mats of textile; table napkins of textile material; wall hangings of textile; banners of textile or plastic; coasters being table linen; curtain holders of textile material in class 024.</p> <p>For: Clothing, namely, tops, bottoms, dresses, skirts, shirts, t-shirts, fabric face masks being headwear, footwear, headwear; muffs; gloves; mittens; neckerchiefs; neckties; ties as clothing; scarves; shawls; jackets; blazers; coats; parkas; hats; caps being headwear; headbands; earmuffs; trousers; jeans; pants; sweatpants; shirts; t-shirts; blouses; sweaters; pullovers; sweatshirts; knitwear, namely, knit jackets, knit dresses, knit shirts, knit skirts, knit tops, knit bottoms; belts; skirts; dresses; lingerie; tights; socks; stockings; dancewear, namely, leotards, dance shoes, dance slippers, and dance costumes; swimwear; activewear, namely, sports shirts, sports pants, sports jerseys, sports shoes, sports bras, and sports jackets; aprons; braces as suspenders; collars; dress gowns; saris; sarongs; slippers; vests; waistcoats in class 025.</p> <p>For: Lace, braid and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins, namely, sewing pins, marking pins, safety pins, and needles; artificial flowers; hair decorations, namely, hair bows, hair bands, hair buckles; false hair; beads other than for making jewelry; spangles; embroidery, namely, sequins and glass parts in the form of motifs on transparent plastic film for decorative purposes, to be ironed or heat-pressed onto textiles, leather and metal; ornamental ribbons made of textiles;</p>
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	<p>decorative hair ribbons; decorative charms for eyewear; decorative charms for cellular phones; ornaments for use on textiles, leather, and metal, namely, small glass stones and crystals, as well as sequins and glass parts arranged in the form of motifs on transparent plastic film or transparent foil for decorative purposes to be ironed or heat-pressed for personal use; hair bands; hair clips; hair ornaments, namely, ornamental hair combs, hair wraps; shoe trimmings; belt buckles; clasps for clothing; slide, zip and snap fasteners; hook and eye closures; borders and edgings for clothing; edgings for clothing with attached jewellery; arm bands; ornamental novelty badges for clothing, not of precious metal; clothing accessories, namely, brooches; trimmings for clothing in class 026.</p> <p>For: Games, toys and playthings, namely, puzzles, board games, and card games, hand held units for playing electronic games; home video game machines; gymnastic and sporting articles, namely, jump ropes, sport balls, tennis rackets; decorations for Christmas trees; ornaments for Christmas trees; board games; bags especially designed for sporting goods; Christmas trees of synthetic material; billiard cues; cups for dice; darts; golf bags, with or without wheels; golf gloves; ice skates; roller skates; kites; theatrical masks; paper party hats; skis; snow globes; snowboards; snowshoes in class 028.</p> <p>For: Educational services, namely, conducting seminars, workshops, educational conferences, symposiums and congresses in the field of purchase, trends, design and applications to articles of gemstones, and wedding party planning; providing of training services in the field of purchase, trends, design and applications to articles of gemstones; entertainment services, namely, presentation of live performances by musical performers, organization of entertainment in the nature of exhibitions on gemstones, jewelry, beading, needlework, and crafts, and wedding party planning; organization of events for cultural purposes; organizing community sporting events; organization of events for cultural, entertainment and sporting purposes; arranging and conducting workshops, seminars and trainings in the</p>
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		<p>field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; arranging and conducting conferences in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; arranging and conducting sports competitions; arranging and conducting symposiums in the field of gemstones, jewelry, needlework, beading, crafts, fashion, design, interior design, architecture, lighting, lifestyle, and cosmetics; entertainment services in the nature of arranging social entertainment events; arranging exhibitions for cultural or educational purposes; arranging exhibitions for entertainment purposes; art exhibitions; organization of fashion shows for entertainment purposes; entertainment services in the nature of an amusement park show; presentation of live show performances; presentation of musical performances; party planning; museums; museum exhibitions; film production, other than advertising films; providing fitness and exercise facilities; fitness and exercise training services; writing of articles for journals other than for advertising or publicity; publication of books; publication of electronic books and journals online in class 041.</p> <p>For: Services for providing food and drink; arranging temporary housing accommodations; arranging temporary commercial and residential housing accommodations; provision of conference facilities and meeting rooms; rental of chairs, tables, table linen and glassware; restaurant services; bar services; cigar lounge services; nightclub and cocktail lounge services; café services; catering services; pop-up bars and eateries; arranging of food and drink at wedding receptions; arranging facilities for wedding receptions in class 043.</p>
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14. The above U.S. registrations for the SWAROVSKI Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the SWAROVSKI Trademarks constitute *prima facie* evidence of their validity

and of Swarovski's exclusive right to use the SWAROVSKI Trademarks pursuant to 15 U.S.C. § 1057(b). The SWAROVSKI Trademarks have been used exclusively and continuously by Swarovski for many years and have never been abandoned. True and correct copies of the United States Registration Certificates for the above-listed SWAROVSKI Trademarks are attached hereto as **Exhibit 1**.

15. The SWAROVSKI Trademarks are exclusive to Swarovski, and are displayed extensively on or in close connection with Swarovski Products, Swarovski packaging, and in Swarovski's marketing and promotional materials. Swarovski Products have long been popular around the world and have been extensively promoted at great expense. In fact, Swarovski expends millions of dollars annually promoting and marketing the SWAROVSKI Trademarks. Swarovski Products have also been the subject of extensive unsolicited publicity resulting from their high-quality, innovative designs and renown as desired luxury items. Because of these and other factors, the Swarovski name and the SWAROVSKI Trademarks have become famous throughout the United States.

16. The SWAROVSKI Trademarks are distinctive when applied to the Swarovski Products and packaging, signifying to the purchaser that the products come from Swarovski and are consistent with Swarovski's quality standards. Whether Swarovski manufactures the products itself or licenses others to do so, Swarovski has ensured that products bearing or sold within packaging bearing the SWAROVSKI Trademarks are manufactured to the highest quality standards. The SWAROVSKI Trademarks have achieved tremendous fame and recognition which has only added to the distinctiveness of the marks. As such, the goodwill associated with the SWAROVSKI Trademarks is of incalculable and inestimable value to Swarovski.

The Defendants

17. 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 Swarovski. 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).

18. 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 Swarovski to learn Defendants' true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Swarovski will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

19. The success of the Swarovski brand has resulted in significant counterfeiting of the SWAROVSKI Trademarks. Consequently, Swarovski 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, Swarovski has identified many fully interactive, e-commerce stores offering counterfeit Swarovski Products on online marketplace platforms such as Amazon, eBay, AliExpress, Alibaba, Wish.com, Walmart, Etsy, and DHgate, including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to a U.S. Customs and Border Protection (CBP) Report, in 2021, CBP made over 27,000 seizures of goods with

intellectual property rights (IPR) violations totaling over \$3.3 billion, an increase of \$2.0 billion from 2020. *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*, U.S. Customs and Border Protection ([Exhibit 2](#)). Of the 27,000 in total IPR seizures, over 24,000 came through international mail and express courier services (as opposed to containers), 51 percent of which originated from China and Hong Kong. *Id.*

20. 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 3](#), 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 4](#), 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 4](#) 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 4](#) 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 3](#) at 186–187.

21. 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/or funds from U.S. bank accounts, and, on information and belief, have sold Counterfeit Swarovski Products to residents of Illinois.

22. 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 and/or funds from U.S. bank accounts via credit cards, Alipay, Amazon Pay, and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and design elements that make it very difficult for consumers to distinguish such stores from Swarovski's website or another authorized retailer. Swarovski has not licensed or authorized Defendants to use any of the SWAROVSKI Trademarks, and none of the Defendants are authorized retailers of genuine Swarovski Products.

23. Many Defendants also deceive unknowing consumers by using the SWAROVSKI Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Swarovski Products. Other e-commerce stores operating under the Seller Aliases omit using SWAROVSKI 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 Swarovski Products.

24. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete

information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

25. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Swarovski Products. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

26. 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, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Counterfeit Swarovski Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Swarovski Products were manufactured by and come from a common source and that Defendants are interrelated.

27. E-commerce store operators like Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyo.com and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

28. Counterfeitors such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Swarovski's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Swarovski. 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.

29. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Swarovski Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Swarovski, have jointly and severally, knowingly and willfully used and continue to use the SWAROVSKI Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Swarovski Products into the United States and Illinois over the Internet.

30. Defendants' unauthorized use of the SWAROVSKI Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Swarovski Products, including the sale of Counterfeit Swarovski 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 Swarovski.

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

31. Swarovski hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

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

33. 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 SWAROVSKI Trademarks without Swarovski's permission.

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

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

36. Swarovski has no adequate remedy at law, and if Defendants' actions are not enjoined, Swarovski will continue to suffer irreparable harm to its reputation and the goodwill of its well-known SWAROVSKI Trademarks.

37. The injuries and damages sustained by Swarovski have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Swarovski Products.

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

38. Swarovski hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

39. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Swarovski 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 Swarovski or the origin, sponsorship, or approval of Defendants' Counterfeit Swarovski Products by Swarovski.

40. By using the SWAROVSKI Trademarks in connection with the sale of Counterfeit Swarovski Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Swarovski Products.

41. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Swarovski 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.

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

PRAYER FOR RELIEF

WHEREFORE, Swarovski 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 SWAROVSKI 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 Swarovski Product or is not authorized by Swarovski to be sold in connection with the SWAROVSKI Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Swarovski Product or any other product produced by Swarovski that is not Swarovski's or not produced under the authorization, control, or supervision of Swarovski and approved by Swarovski for sale under the SWAROVSKI Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Swarovski Products are those sold under the authorization, control, or supervision of Swarovski, or are sponsored by, approved by, or otherwise connected with Swarovski;
 - d. further infringing the SWAROVSKI Trademarks and damaging Swarovski's goodwill; and
 - e. 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 Swarovski, nor authorized by Swarovski to be sold or offered for sale, and which bear any of Swarovski's trademarks, including the

SWAROVSKI Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;

- 2) Entry of an Order that, at Swarovski's choosing, the registrant of the Domain Names shall be changed from the current registrant to Swarovski, 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 Swarovski'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 Swarovski'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 Swarovski's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com, Walmart, Etsy, 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 SWAROVSKI Trademarks;
- 4) That Defendants account for and pay to Swarovski all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the SWAROVSKI 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 Swarovski 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 SWAROVSKI Trademarks;
- 6) That Swarovski be awarded its reasonable attorneys' fees and costs; and
- 7) Award any and all other relief that this Court deems just and proper.

Dated this 14th day of March 2023.

Respectfully submitted,

/s/ Justin R. Gaudio

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