

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

SHENZHEN AJI FASHION
TECHNOLOGY CO. Ltd., a private limited
company organized in the country of China,

Plaintiff,

vs.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A HERETO,

Defendants.

Case No.:

JURY TRIAL DEMANDED

PUBLIC REDACTED VERSION

COMPLAINT

Plaintiff SHENZHEN AJI FASHION TECHNOLOGY CO. Ltd (“Aji”), for its complaint and prayer for injunctive relief against the parties identified on **Schedule A** attached hereto (“Defendants”), states as follows:

INTRODUCTION

1. Plaintiff Aji owns the enormously popular ROSEGAL online fashion and lifestyle retailer. (See <https://www.rosegal.com/>.) ROSEGAL’s affordable clothes and original designs have taken the Internet by storm-and inspired many copycats. Defendants are online sellers operating under one or more seller aliases that are advertising, offering for sale, and selling

clothing using ROSEGAL's original, copyrighted works. These sellers may be using more than one alias at a time to conceal their identities and the full scope of their operation.

2. Aji is forced to file this action to combat Defendants' infringement of its copyrighted works and to protect unknowing consumers from purchasing unauthorized products over the Internet. Aji has been irreparably damaged by Defendants' infringement and seeks injunctive and monetary relief.

THE PARTIES

3. Plaintiff SHENZHEN AJI FASHION TECHNOLOGY CO. Ltd is a private limited liability company with its principal place of business in China and owns the famous ROSEGAL trademark and online fashion and lifestyle retailer.

4. Defendants are business entities who, upon information and belief, reside mainly in foreign jurisdictions. Defendants operate e-commerce stores under the seller aliases identified on Schedule A and/or other aliases. Defendants conduct business in the United States and, on information and belief have offered to sell and have sold and continue to offer to sell and sell products to United States consumers, including in Illinois and this judicial district.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the copyright laws of the United States.

6. This Court has personal jurisdiction over Defendants under Federal Rule 4(k)(2) because they are foreign Defendants that can be sued anywhere in the United State, are not subject to jurisdiction to any state's courts of general jurisdiction, and exercising jurisdiction is consistent with the Copyright Act and the United States Constitution.

7. This Court has personal jurisdiction over Defendants because, on information and belief, Defendants target business activities toward consumers in the United States, including Illinois. Defendants offer to sell and sell to Illinois residents and other United States consumers by setting up and operating e-commerce stores through online platforms. Defendants offer shipping to the United States, including Illinois, and accept payments in U.S. dollars from U.S. bank accounts. On information and belief, Defendants have offered to sell and have sold and continue to offer to sell and sell apparel bearing unauthorized copies of Aji's copyrighted works to residents of Illinois. Defendants have wrongfully injured Aji in the state of Illinois.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(a). In this copyright action, venue is proper in any district in which Defendants reside or may be found, which includes any district in which they would be subject to personal jurisdiction. *See also* 28 U.S.C. § 1391(b)(3). On information and belief, Defendants are not residents in the United States, which means that they may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

JOINDER

9. Joining Defendants is proper in this case under Federal Rule 20(a)(2) because Aji's claims arise out of the same occurrence of mass copyright infringement on the same website.

10. Defendants are logically interrelated because they all sell infringing products on the same internet platform, Temu, and there will be common questions of both law and fact that will arise.

11. Joining fifty-six (56) separate Defendants in one case, rather than a separate case for each of the 56 Defendants, reduces the burden on the Court's judicial resources and promotes efficiency.

BACKGROUND

Plaintiff's Copyrighted Works

12. Aji is a private limited liability company registered in China. Its ROSEGAL trademarks are used to sell a wide variety of products worldwide. In the United States, Aji sells apparel, accessories, and a variety of other products through its website, <https://www.rosegal.com>.

13. Through the ROSEGAL brand, Aji has invested significant resources in building goodwill and brand recognition on social media and the internet. It has made a name among regular shoppers and has registered various copyrights to protect its original designs and photographs.

14. Aji is the owner of all rights to the eight copyrights at issue in this matter (the "Aji Copyrights"). The registration certificates for Reg. Nos. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] are attached as Exhibits 1 through 6. Printouts from the United States Copyright Office Public Catalog are concerning Reg. Nos. [REDACTED] are attached as Exhibit 7.¹ A copy of the Assignments of Copyrights for Reg Nos. [REDACTED] [REDACTED] are attached as Exhibit 8. As reflected in the registration certificates, Copyright Office Public Catalog, and the Assignments of Rights, Aji is the owner of all rights to these copyrights, and the copyrights are valid and enforceable. Information about the Aji Copyrights is provided in the following table.

15. Each of the Aji Copyrights are included in product listings on the ROSEGAL website and/or app. An exemplary ROSEGAL product listing for some designs or photographs are provided in the following table.

¹ Aji has requested copies of these two Certificates from the United States Copyright Office and will supplement its Complaint accordingly once received.

Registration No.	Title of Work	ROSEGAL Product Listing URL
[REDACTED]	[REDACTED]	[REDACTED]

Defendants' Unlawful Conduct

16. Defendants are online sellers on e-commerce platforms, including Temu. Defendants have deliberately and unlawfully copied, displayed, and sold various apparel using images virtually identical to the Aji Copyrights. The success of the ROSEGAL brand inspires many copycats. Aji regularly finds sellers on e-commerce platforms selling goods bearing or using infringing copies of the Aji Copyrights. Defendants are among such sellers.

17. Defendants knowingly and willfully manufacture, offer for sale, and/or sell apparel using the Aji Copyrights in the United States without authorization. Defendants' conduct infringes Aji's copyright and irreparably harms Aji.

COUNT I

Copyright Infringement (17 U.S.C. §§ 106 and 501 Against Schedule A Defendants)

18. Aji incorporates each of the preceding paragraphs as if fully set forth herein.

19. The Aji Copyrights are original works and are copyrightable subject matter under 17 U.S.C. § 101 et seq.

20. Aji's copyright registrations for the Aji Copyrights are valid and in full force and effect under Reg Nos. [REDACTED]

[REDACTED]. At all relevant times, Aji has owned and still owns all exclusive rights in the Aji Copyrights, including the right to reproduce, to prepare derivative works, and to distribute copies.

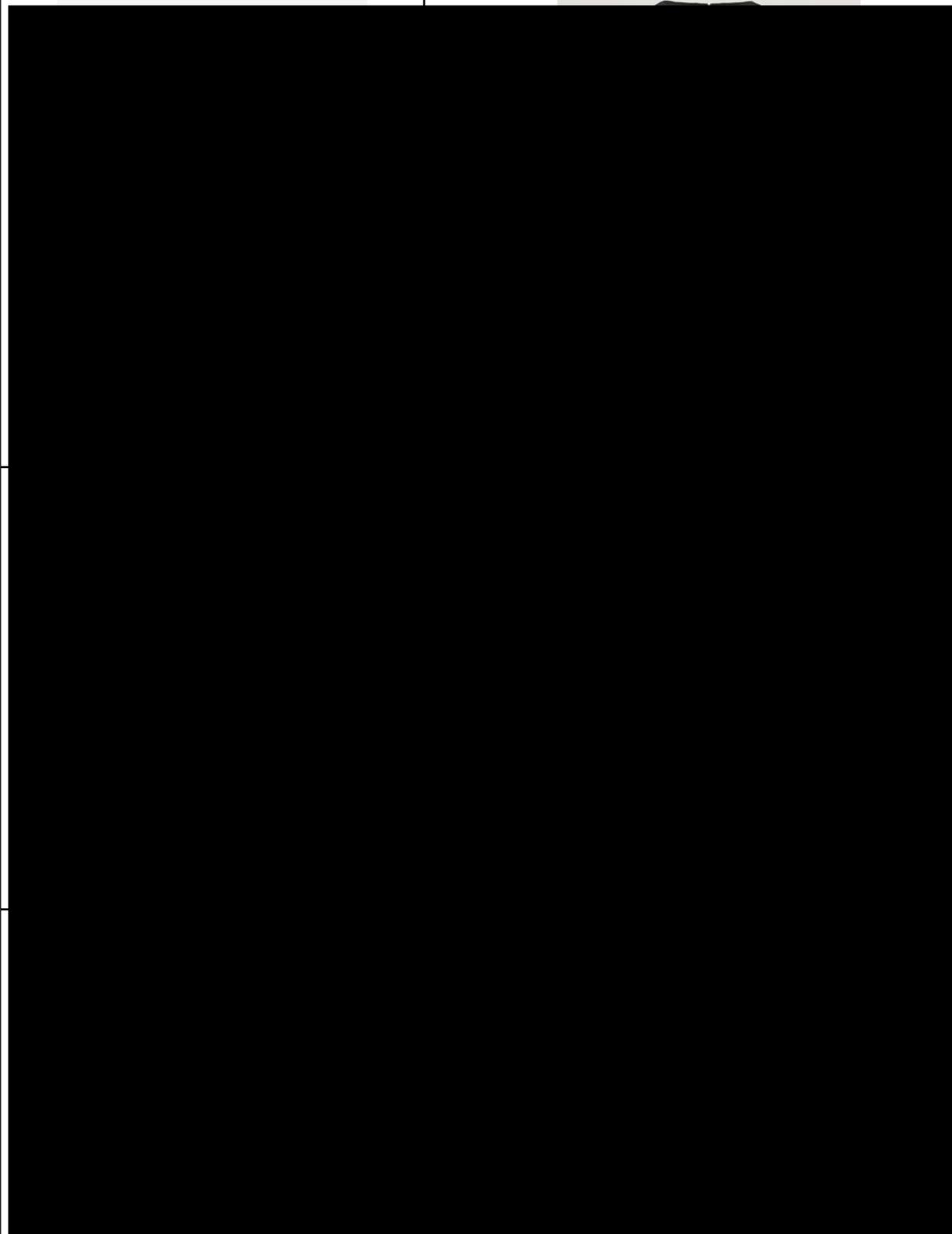
21. Aji has never assigned or licensed the rights to the Aji Copyrights to any party unaffiliated with Aji itself. In particular, Aji has never granted any license or rights in the Aji Copyrights to Defendants.

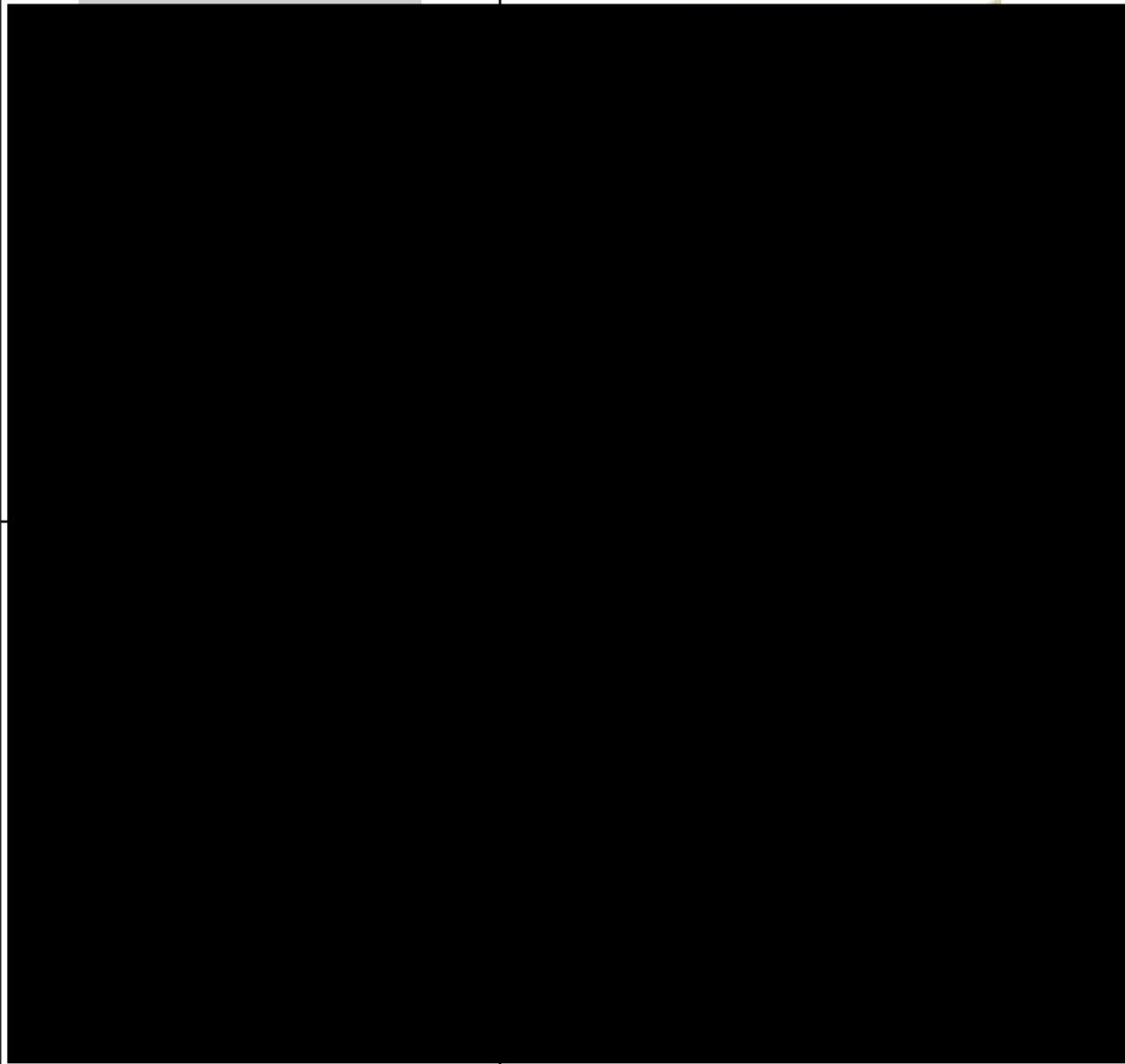
22. Defendants have deliberately and unlawfully copied, manufactured, displayed, reproduced, created derivative works of, adapted, marketed, sold, and/or distributed the Aji Copyrights in violation of Aji's Copyrights.

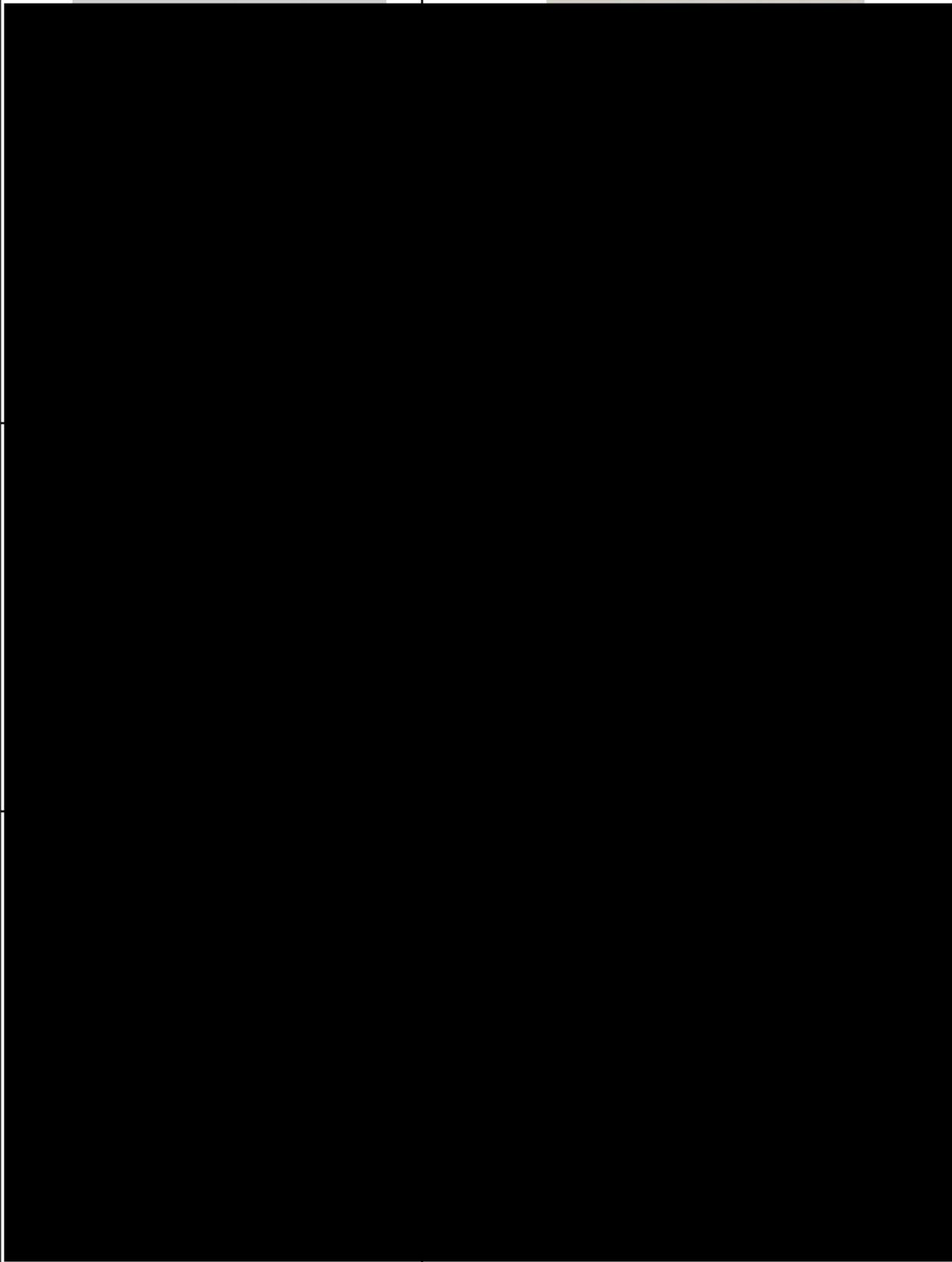
23. On information and belief, Defendants had access to the Aji Copyrights *via* the Internet, where the designs appear in connection with ROSEGAL-branded clothing Aji sells online, and the photographs are used to sell ROSEGAL products.

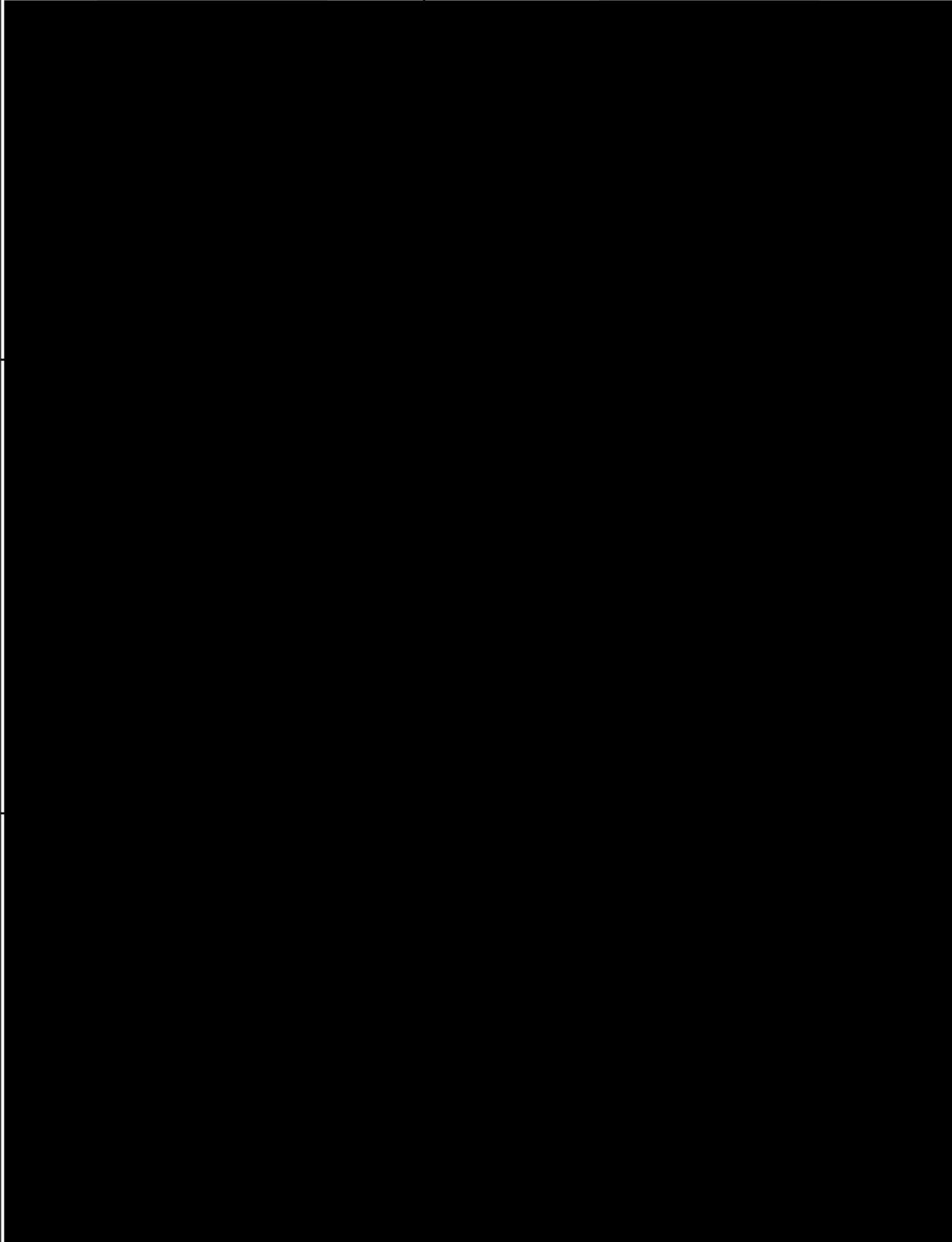
24. Defendants' copied designs and photographs are, in the vast majority of cases, virtually identical to the Aji Copyrights. Where they are not virtually identical, they are strikingly similar. Aji's original designs and photographs are reproduced below alongside examples of copies found in Defendants' web stores. Screenshots from the copied designs on the Temu website are attached as Exhibit 8.

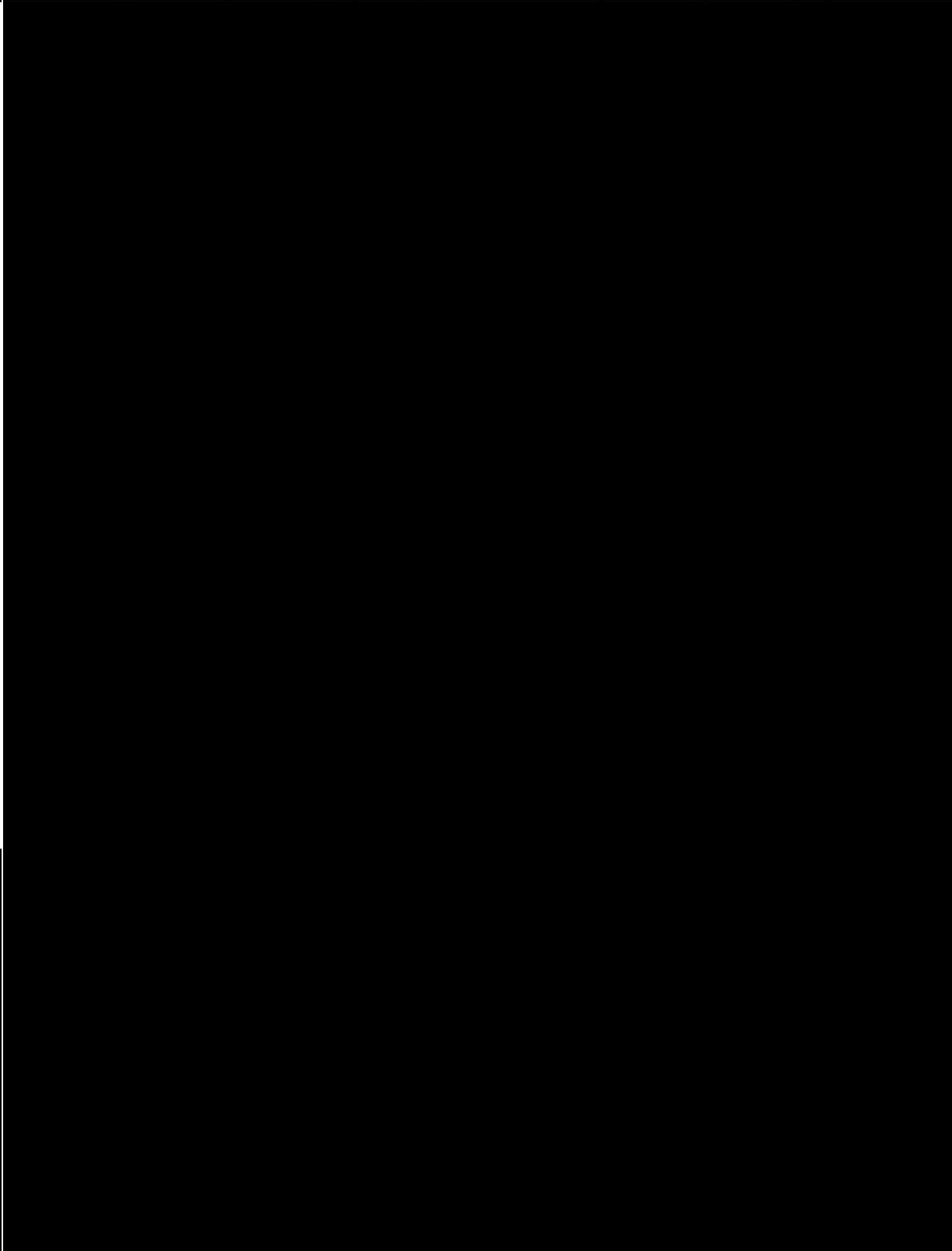
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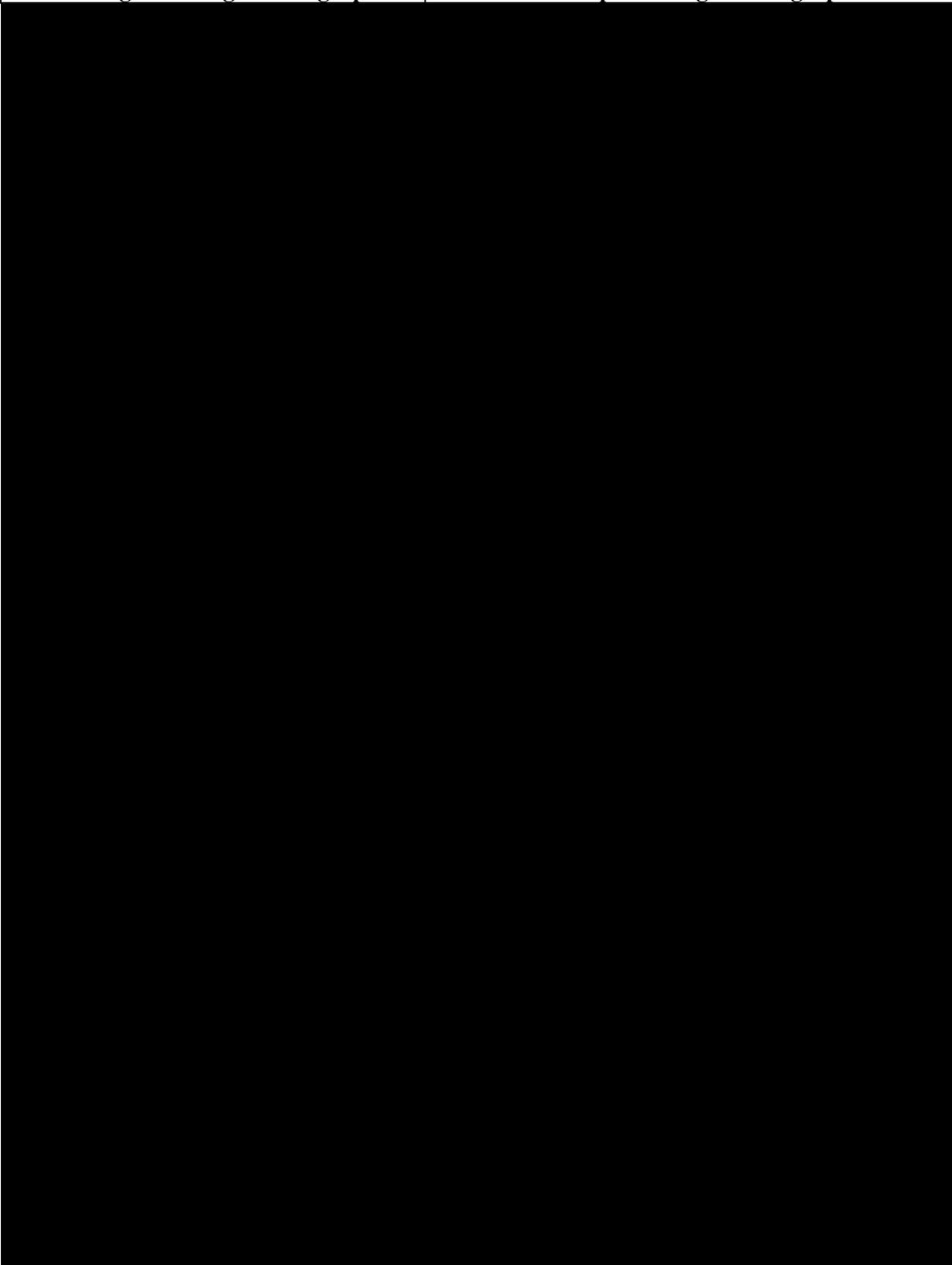
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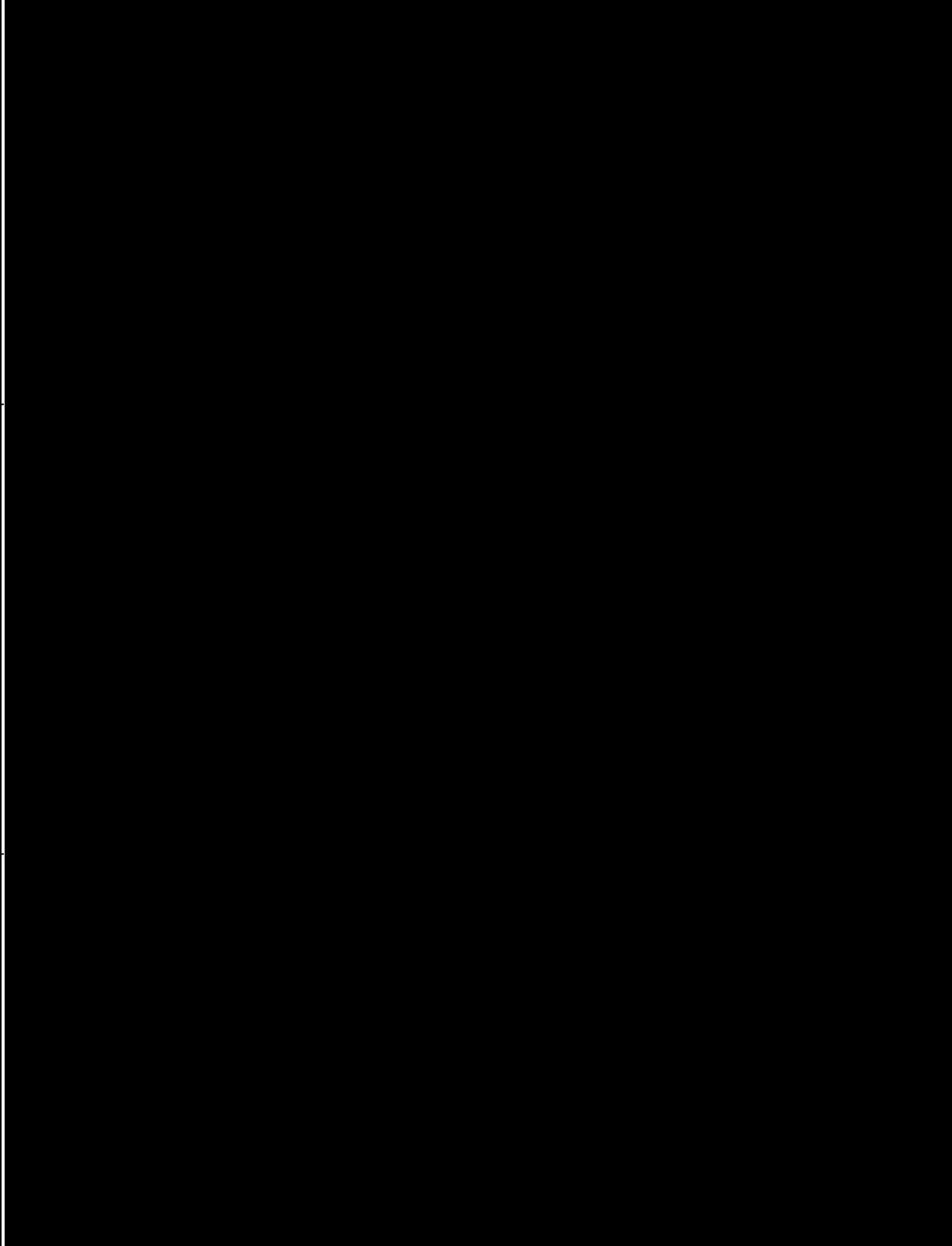
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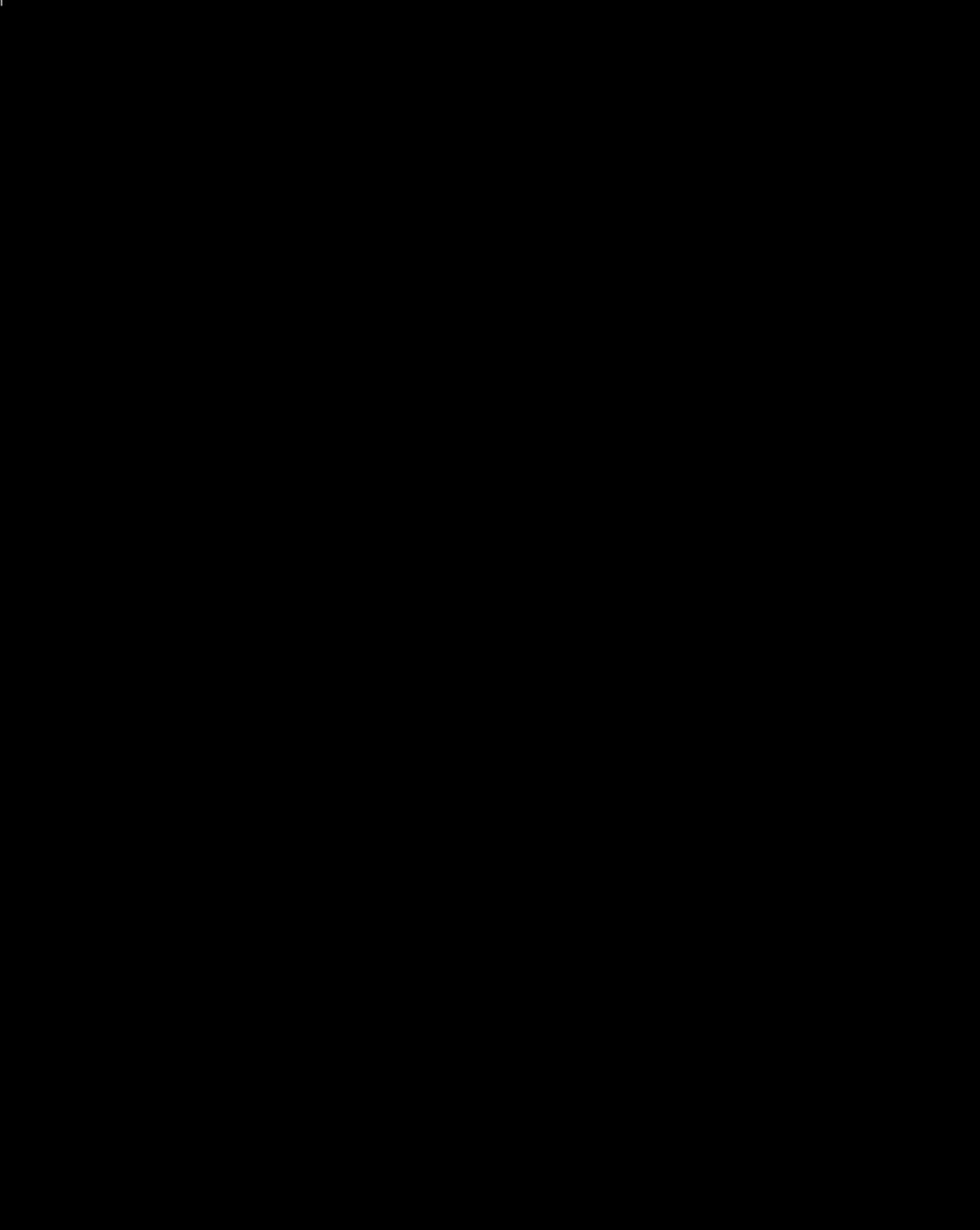
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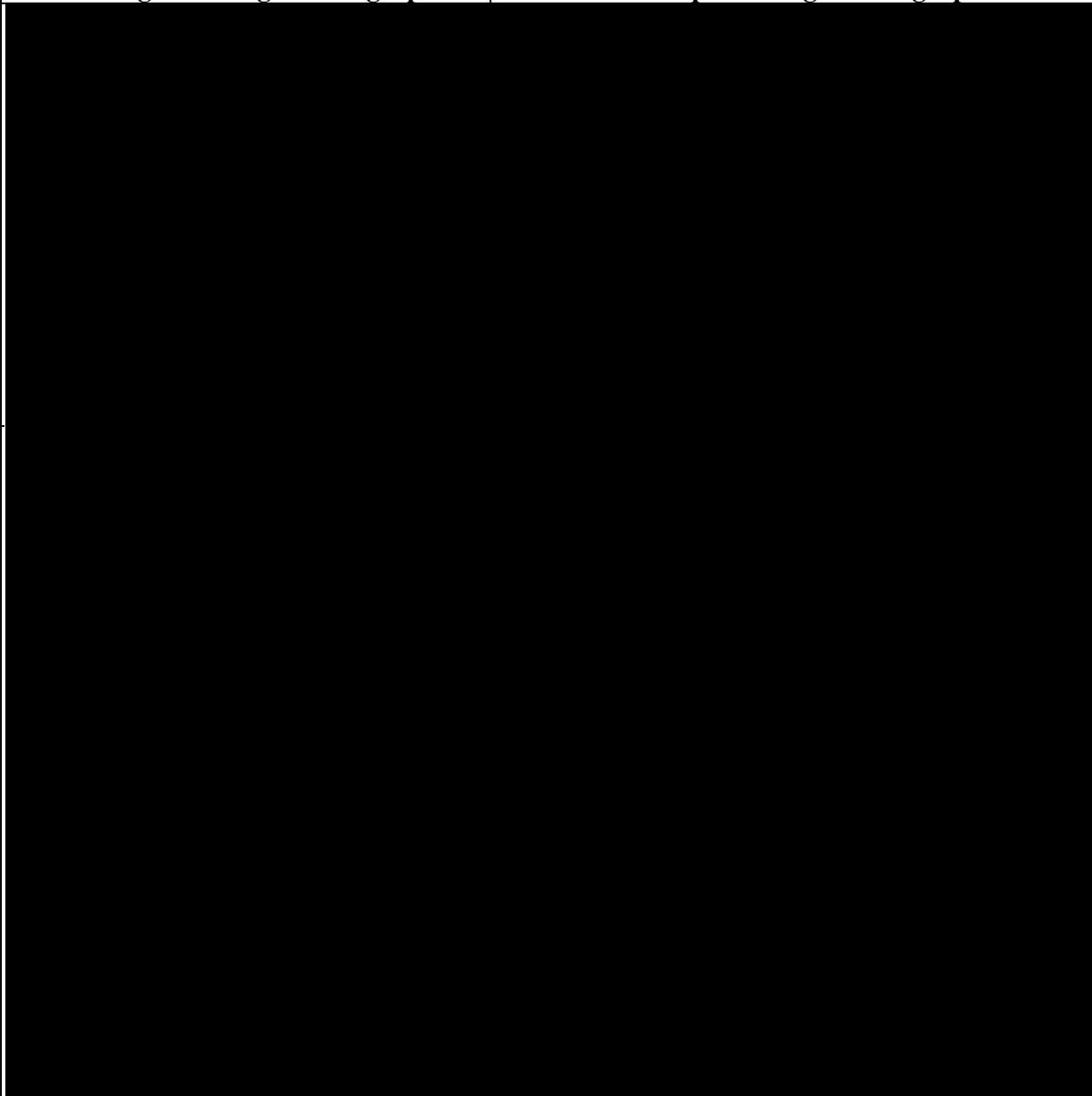
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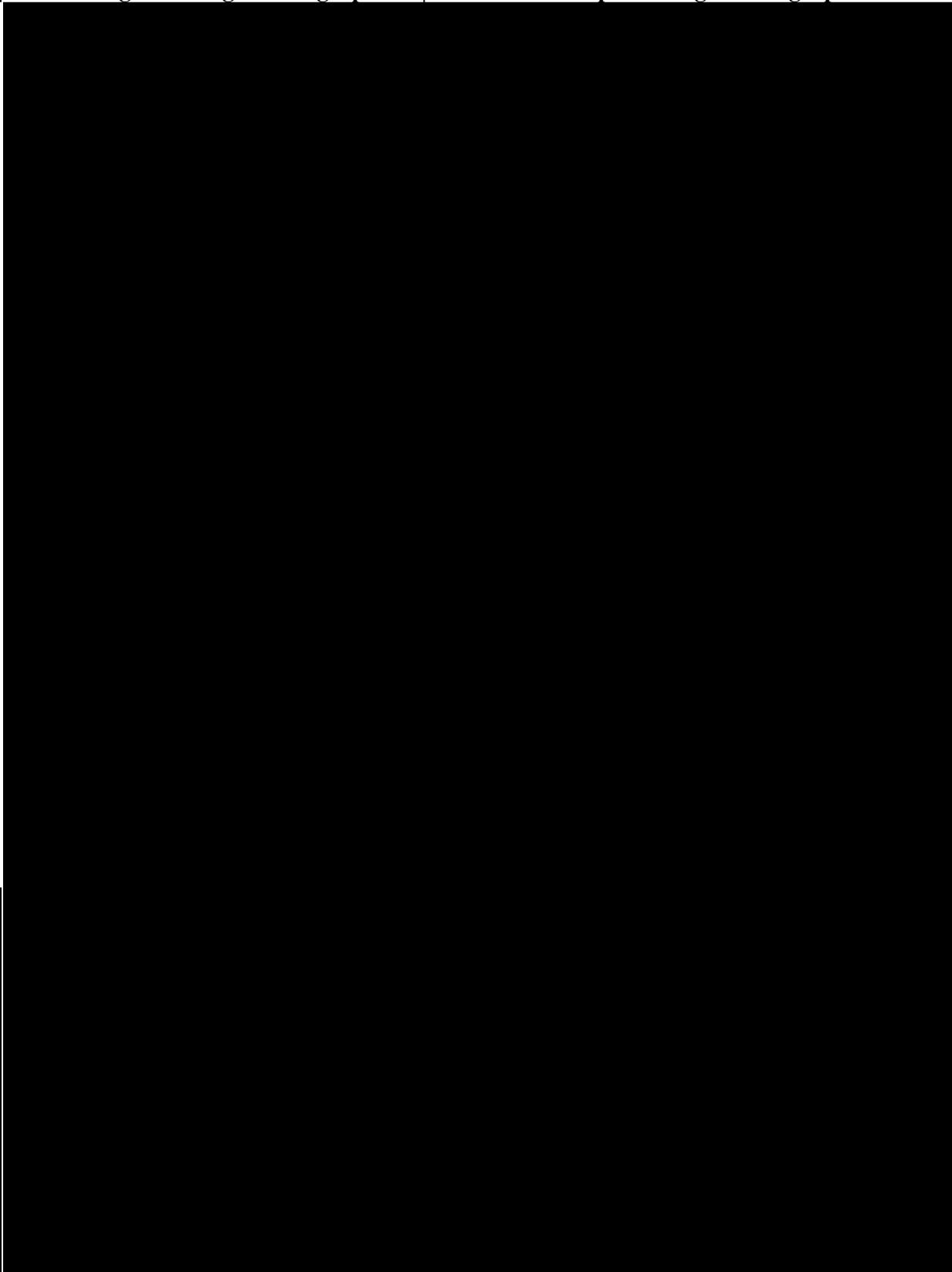
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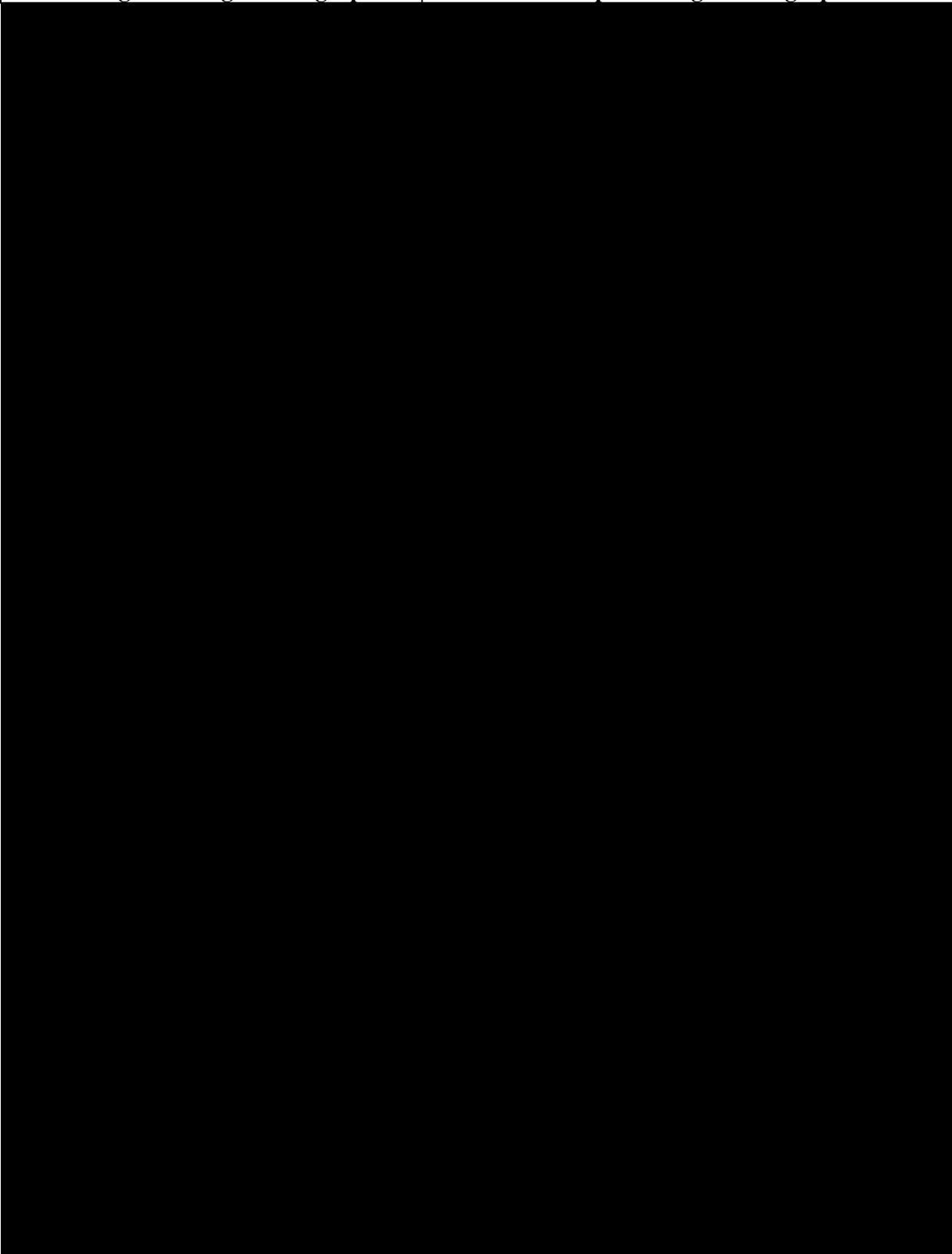
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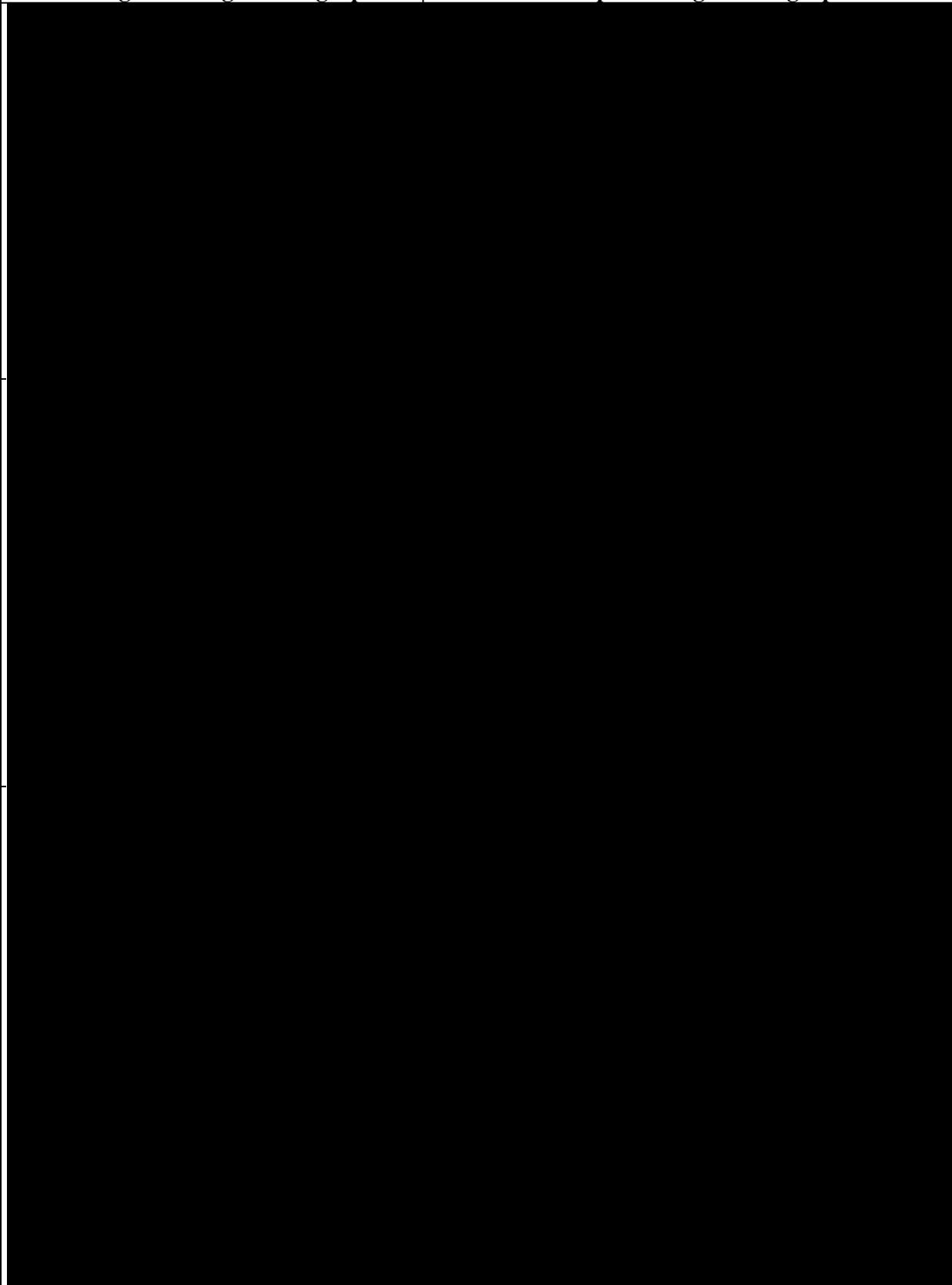
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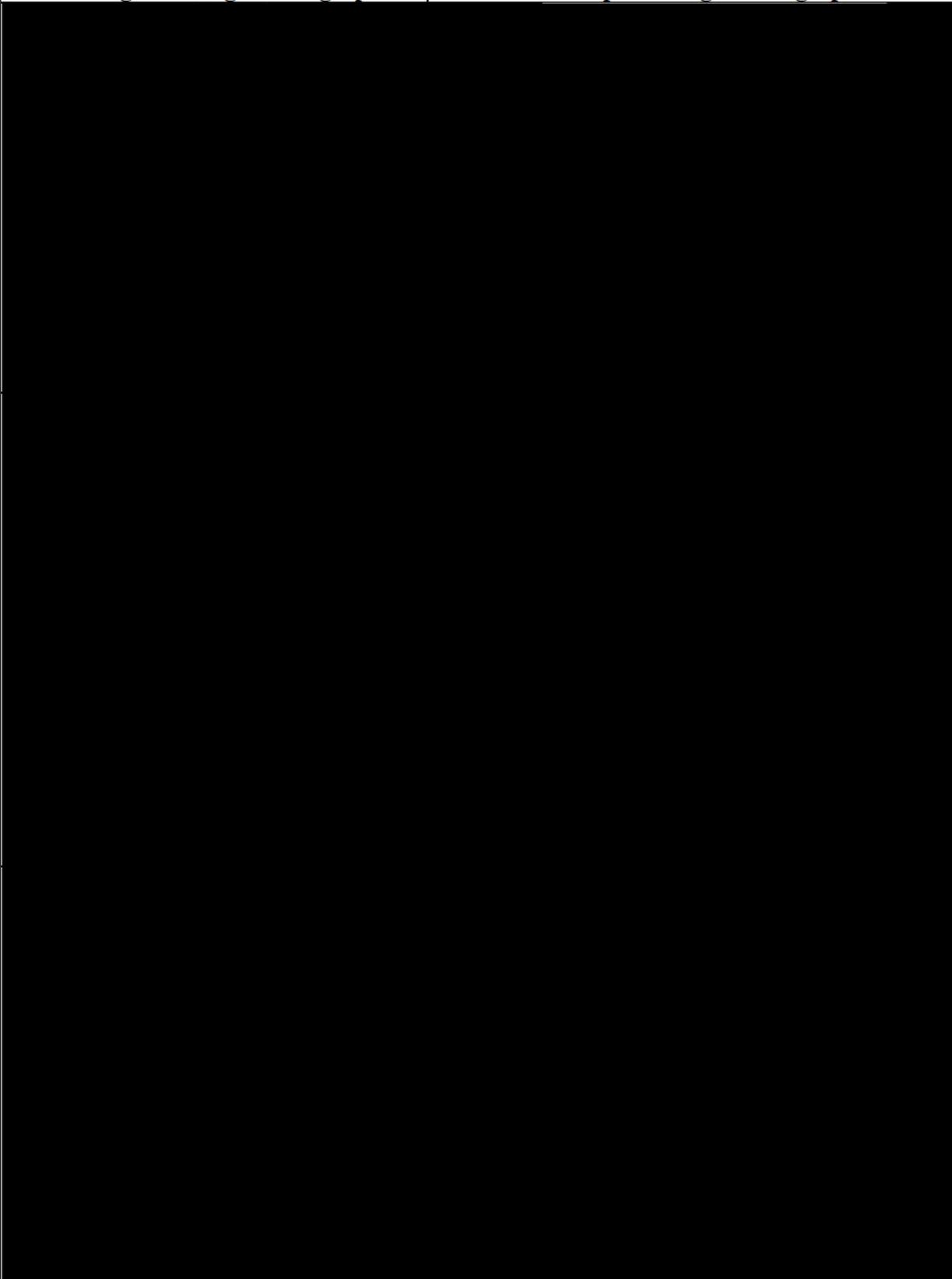
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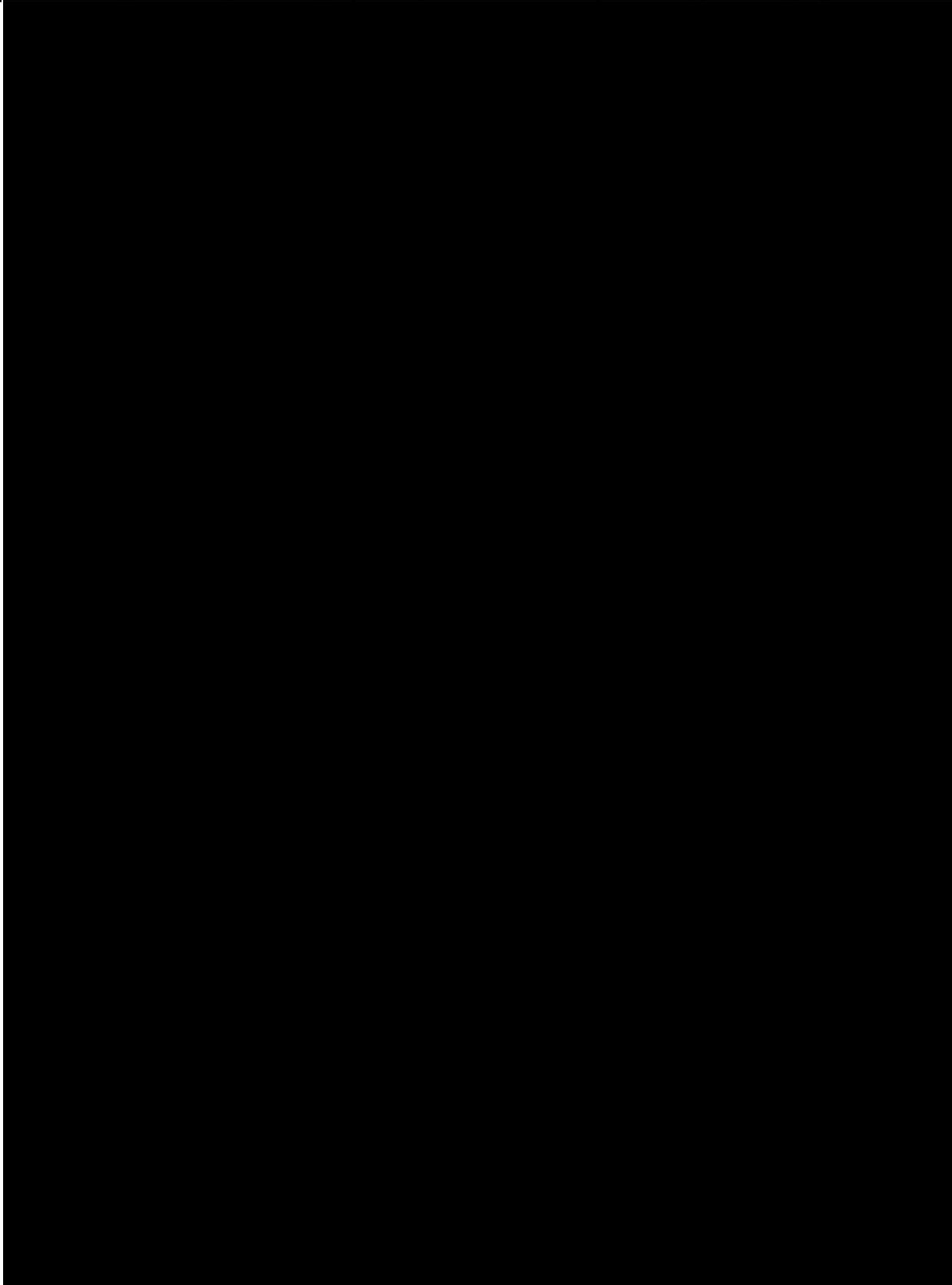
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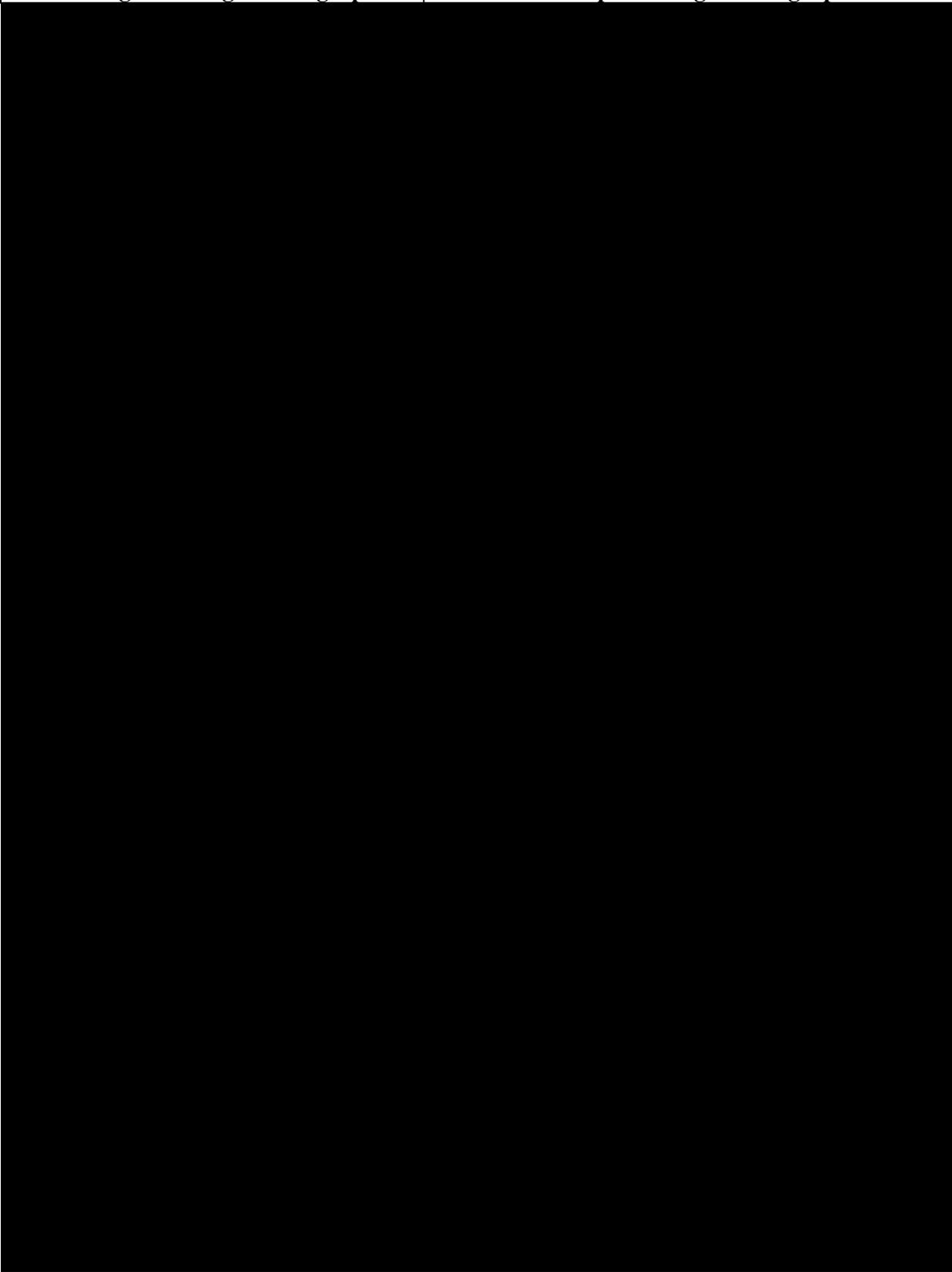
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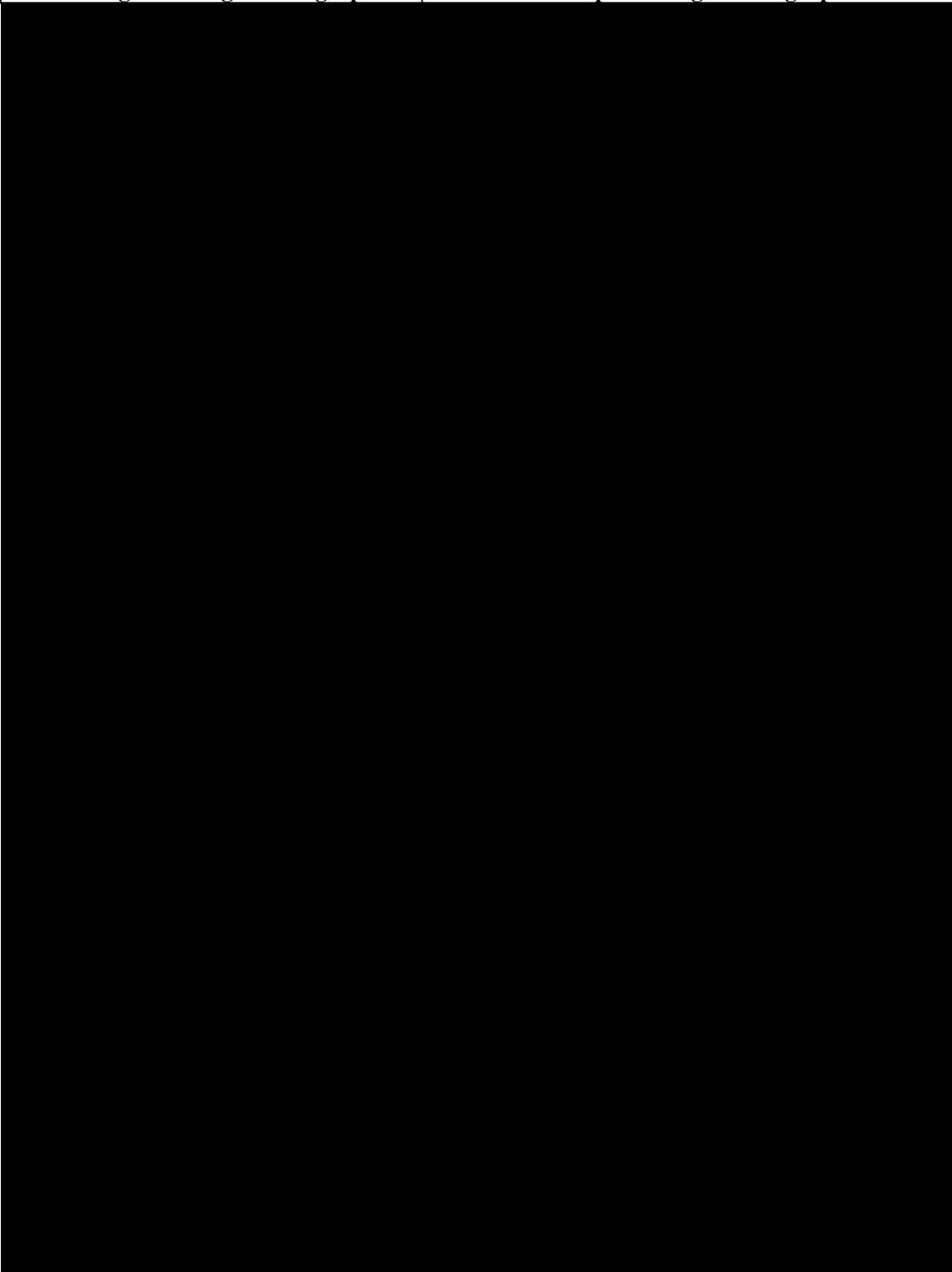
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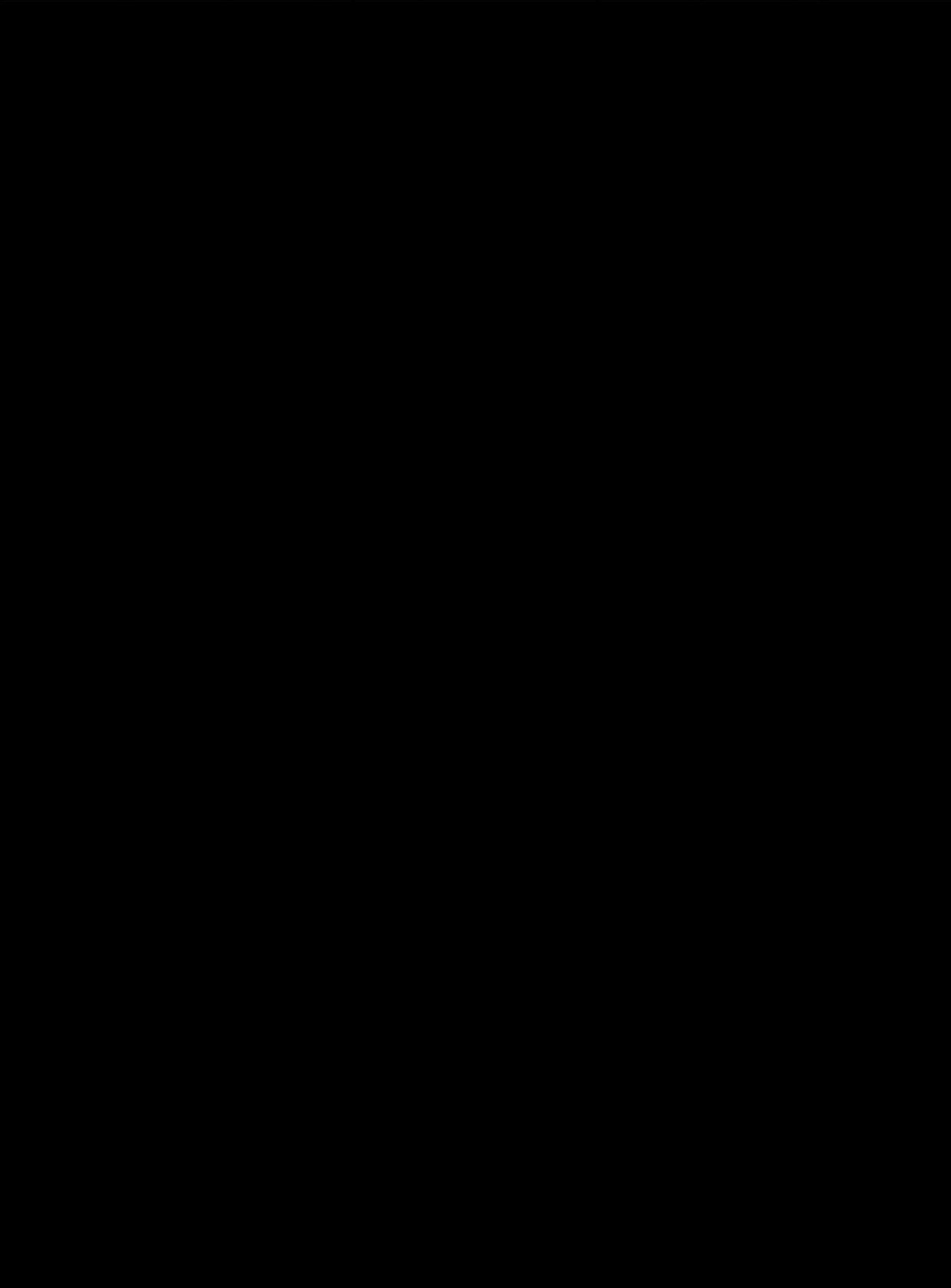
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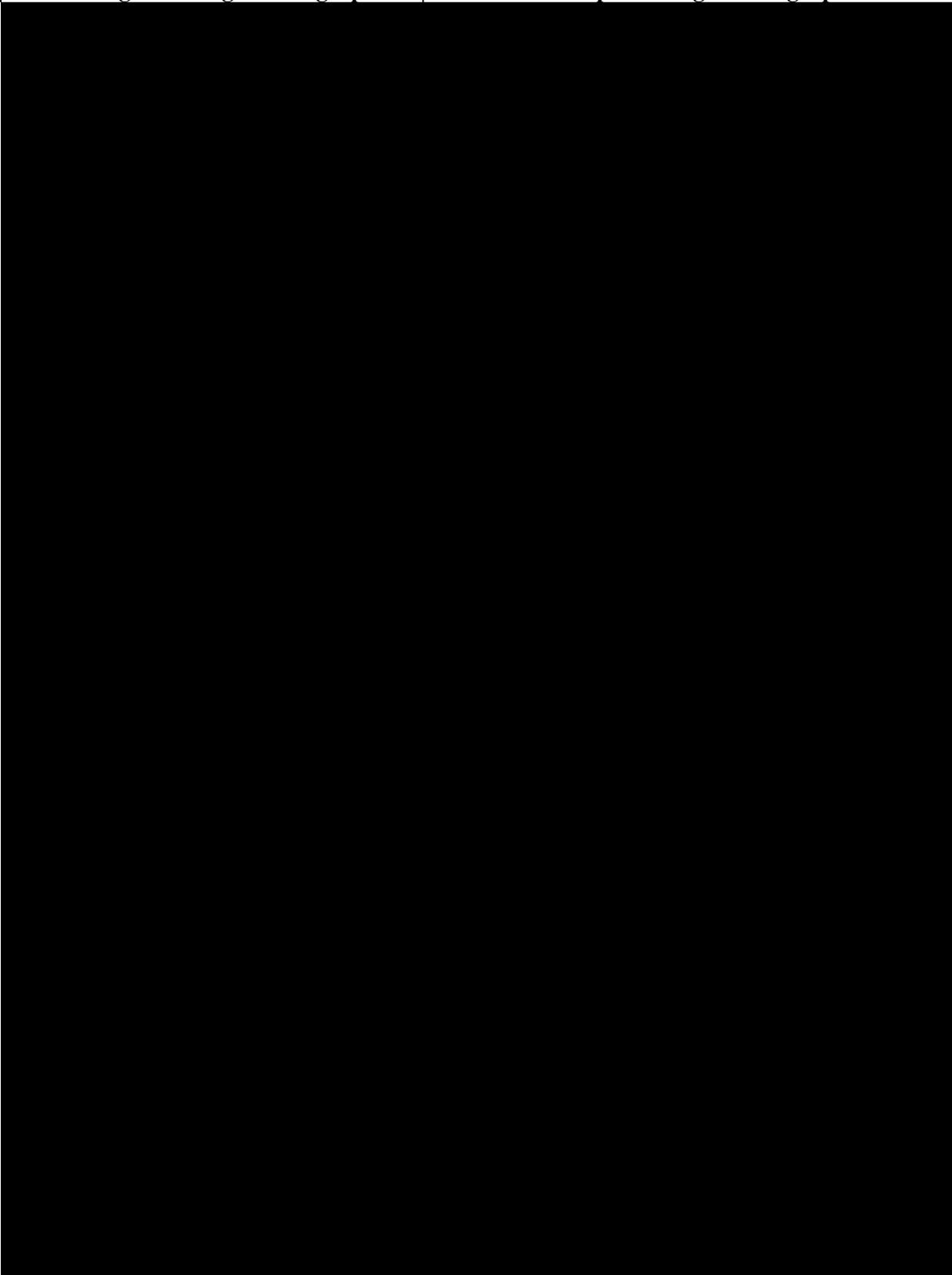
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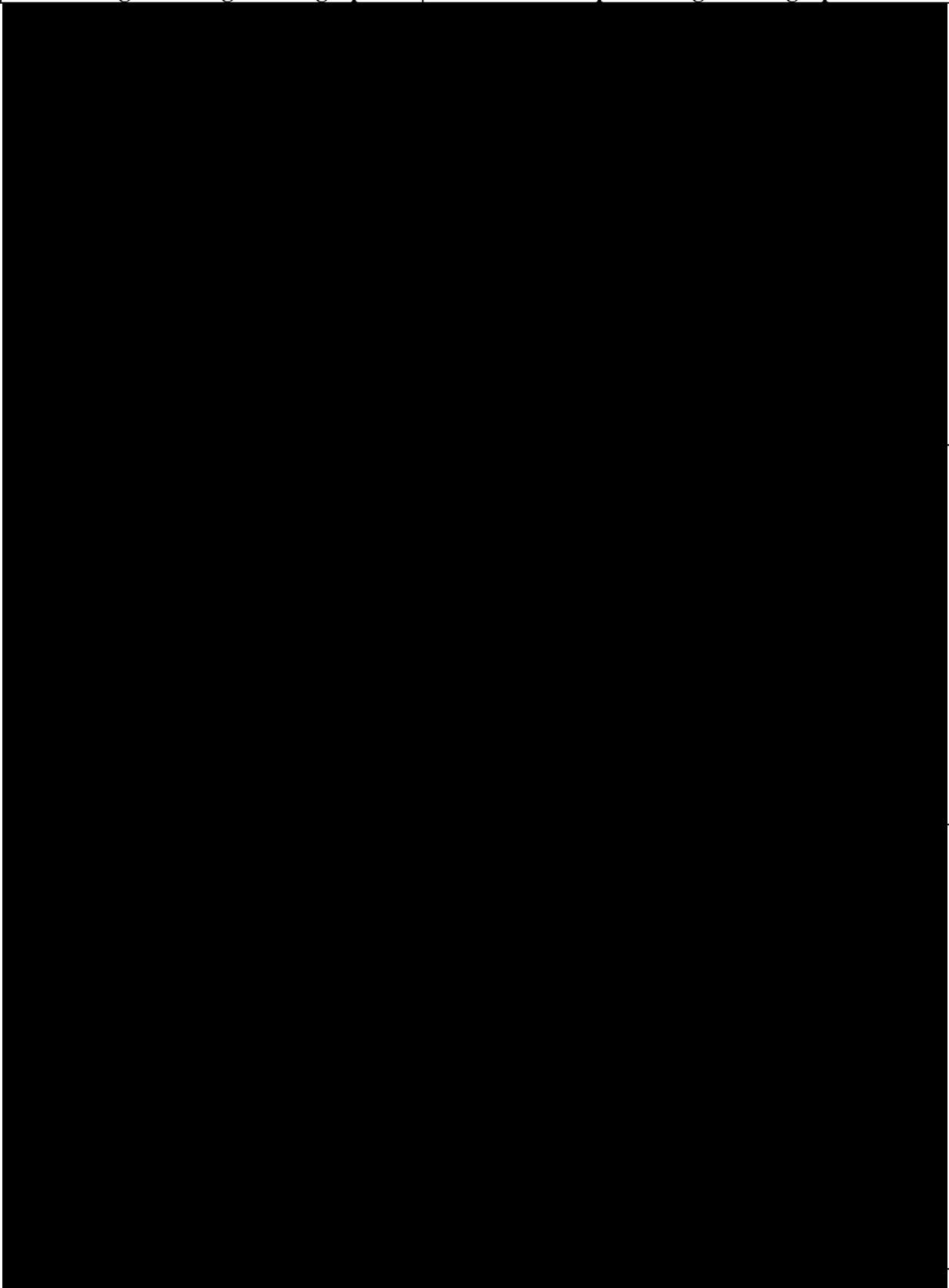
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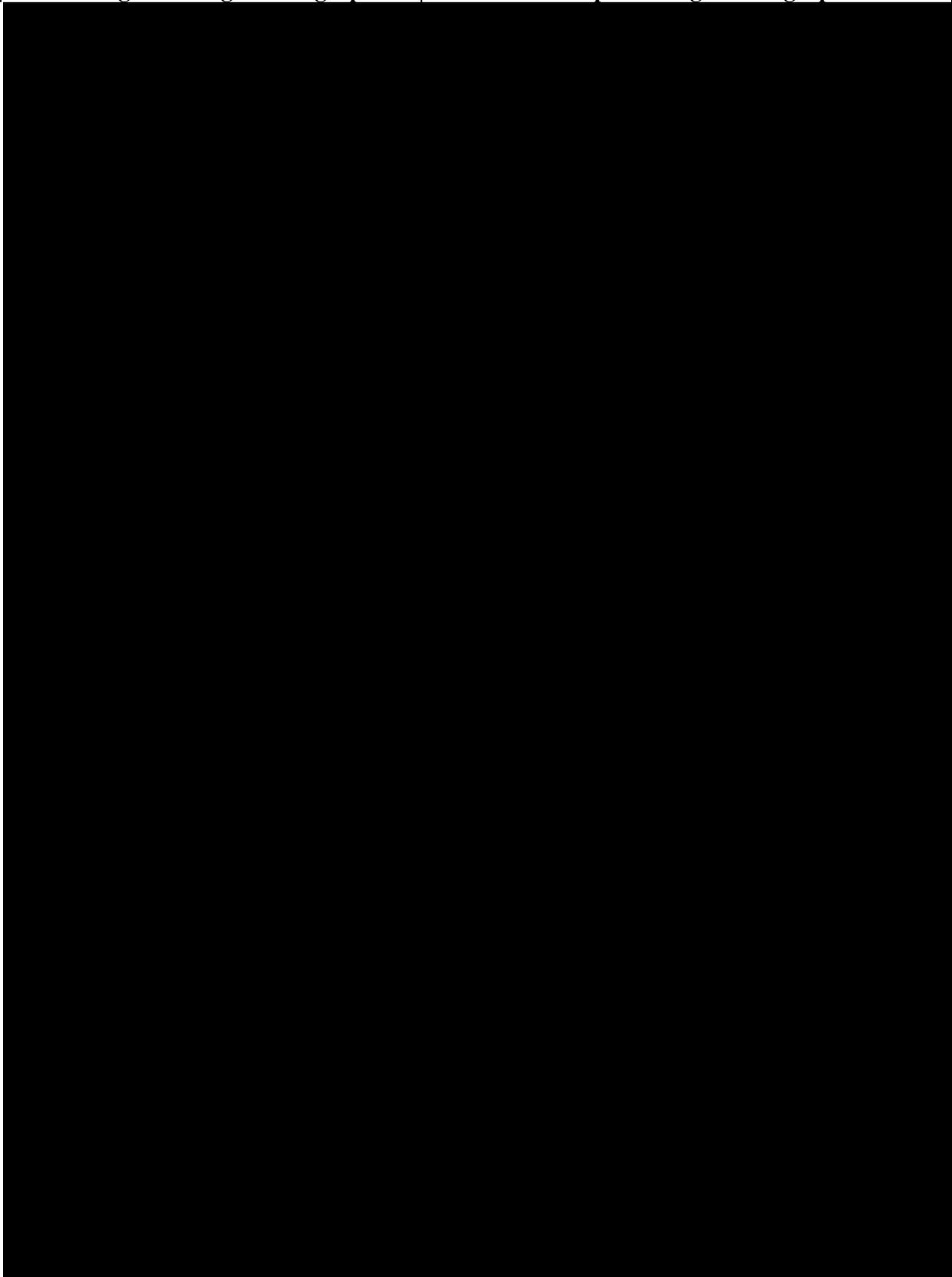
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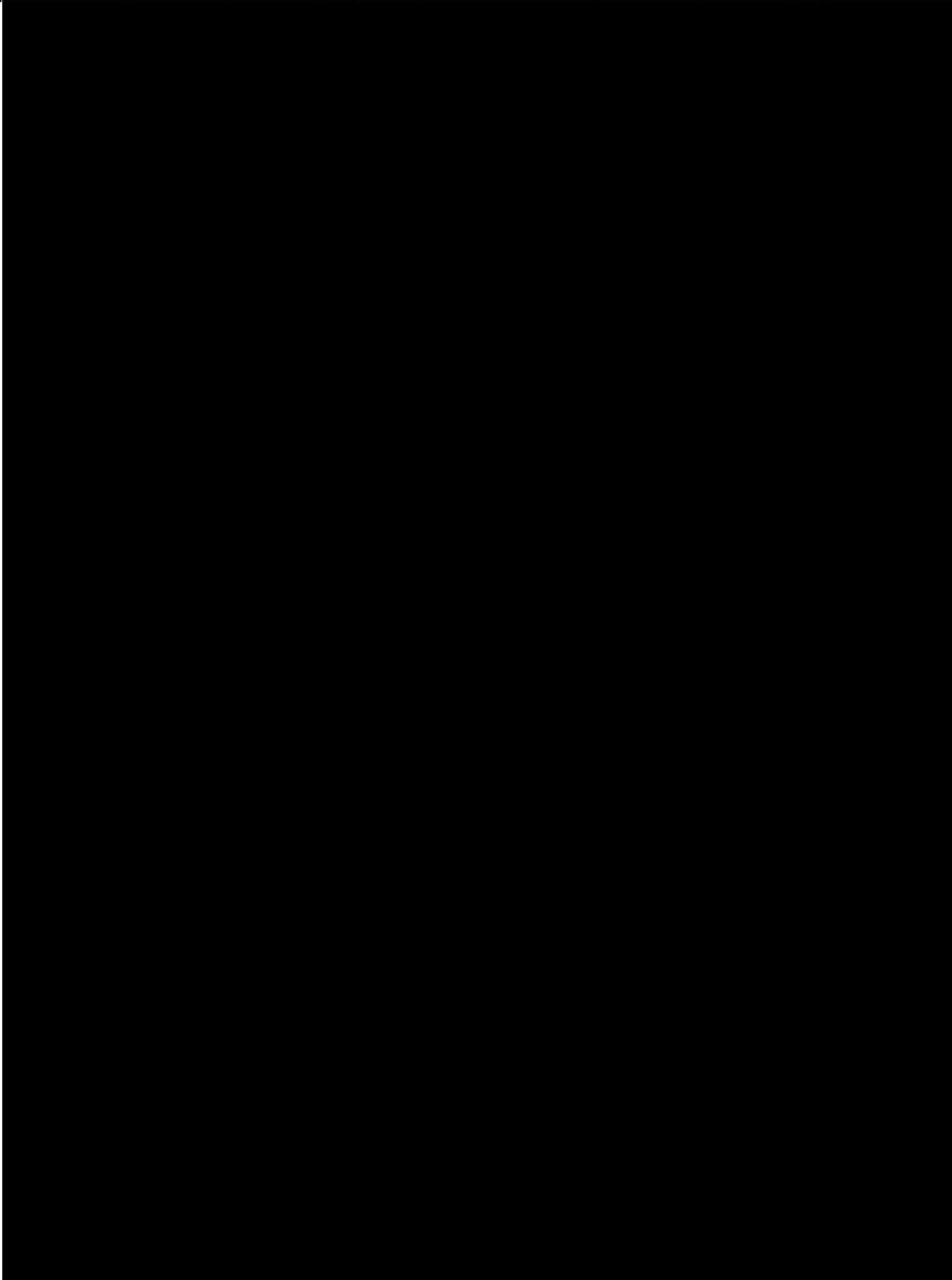
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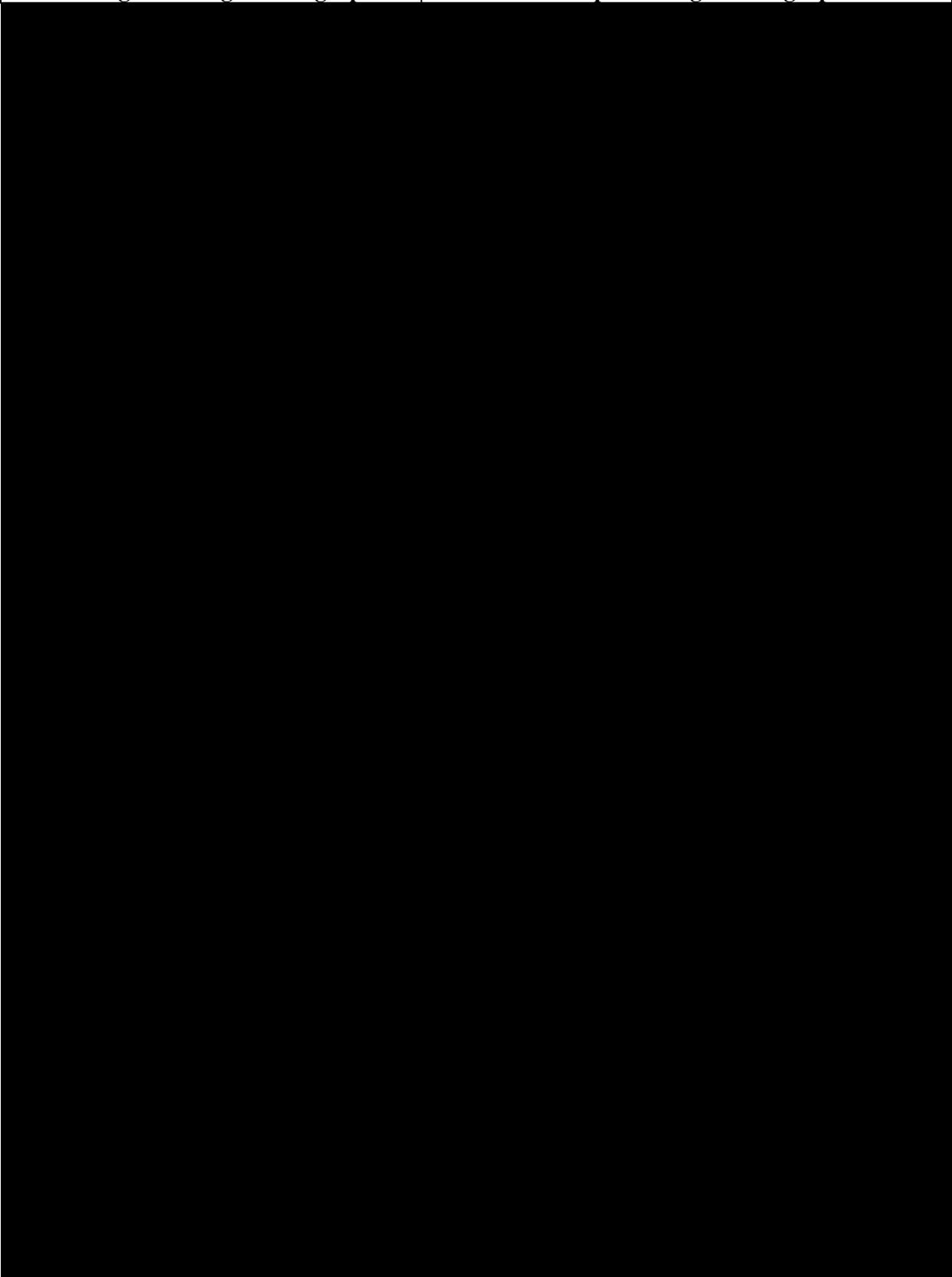
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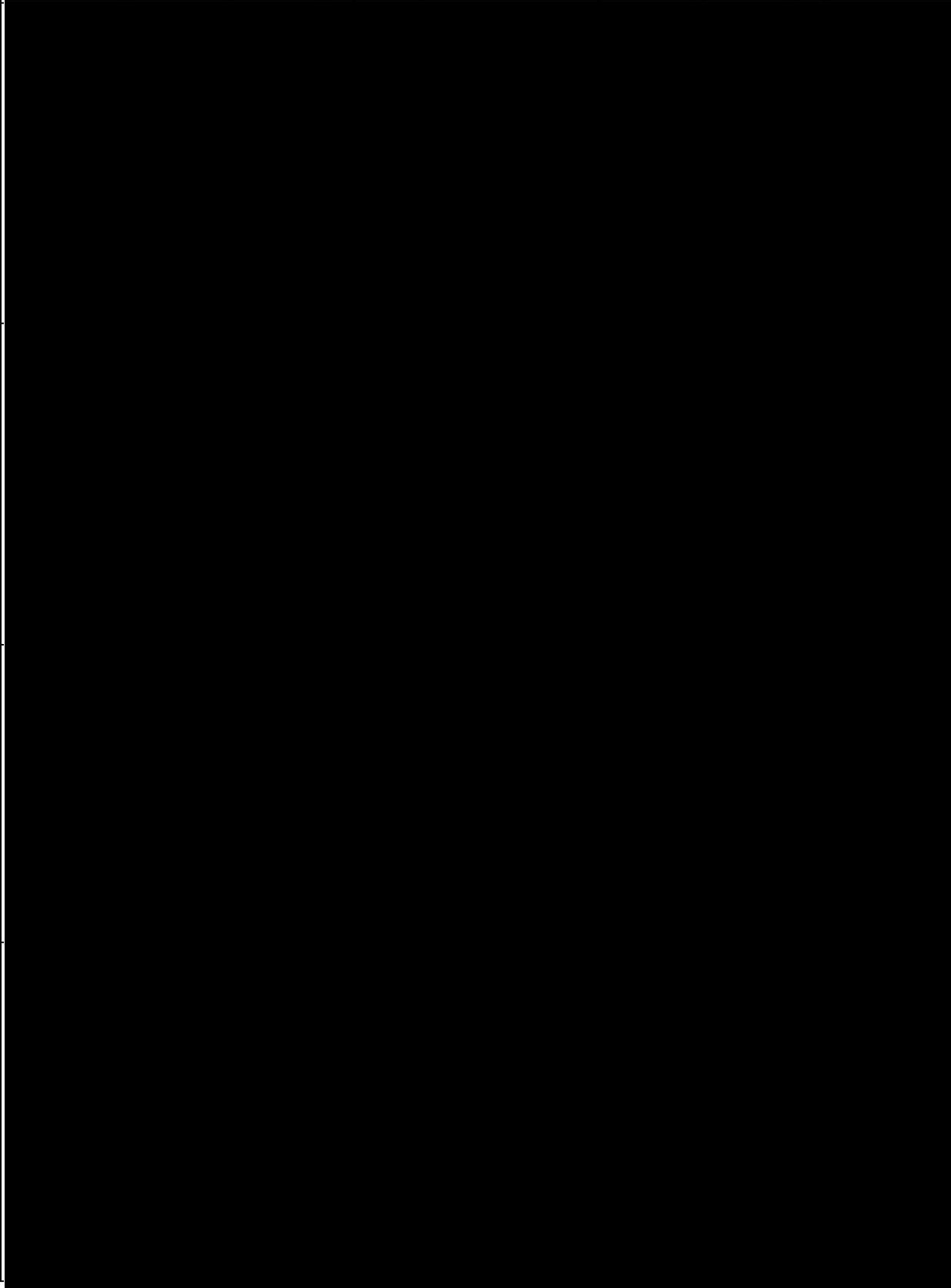
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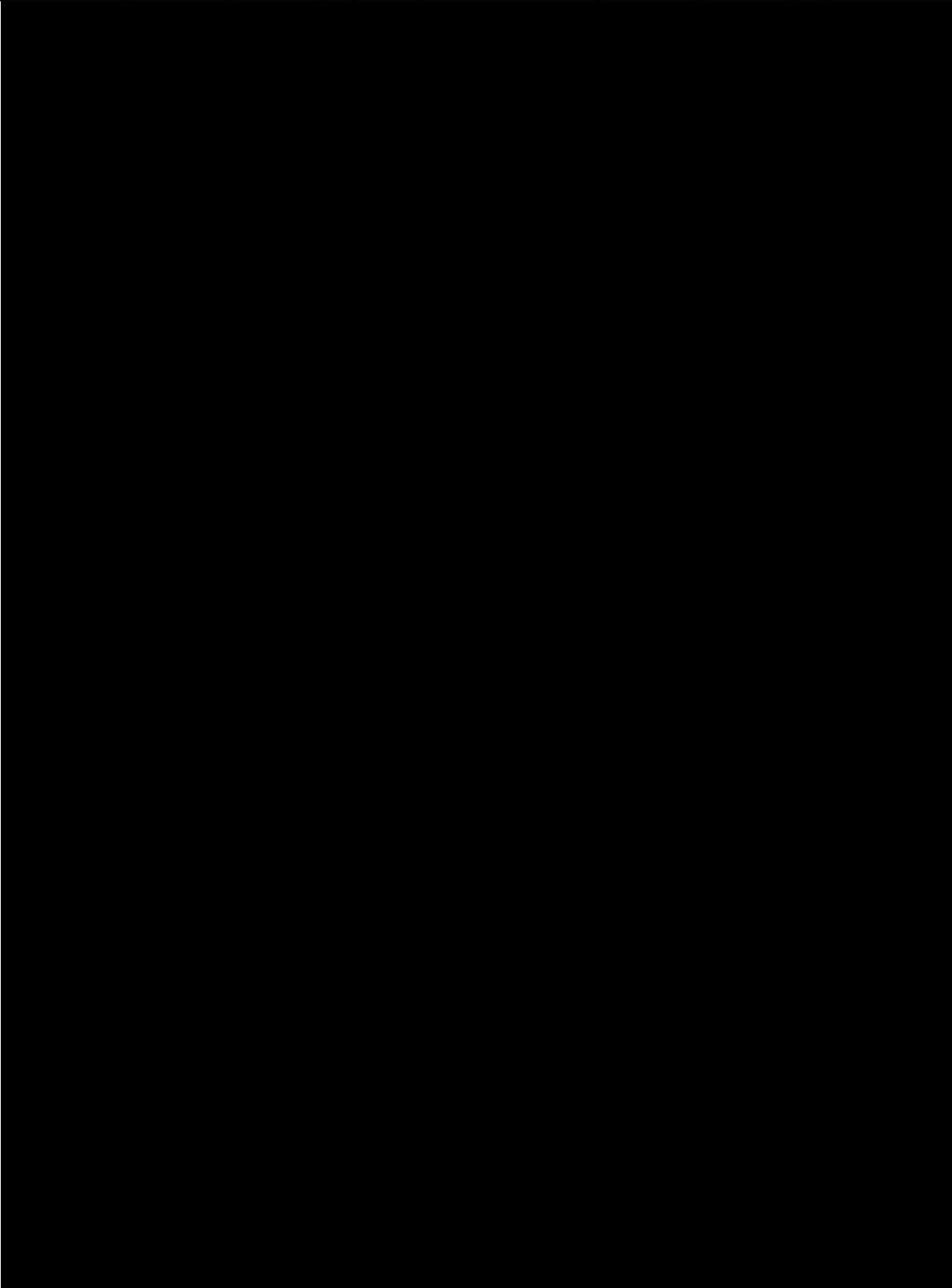
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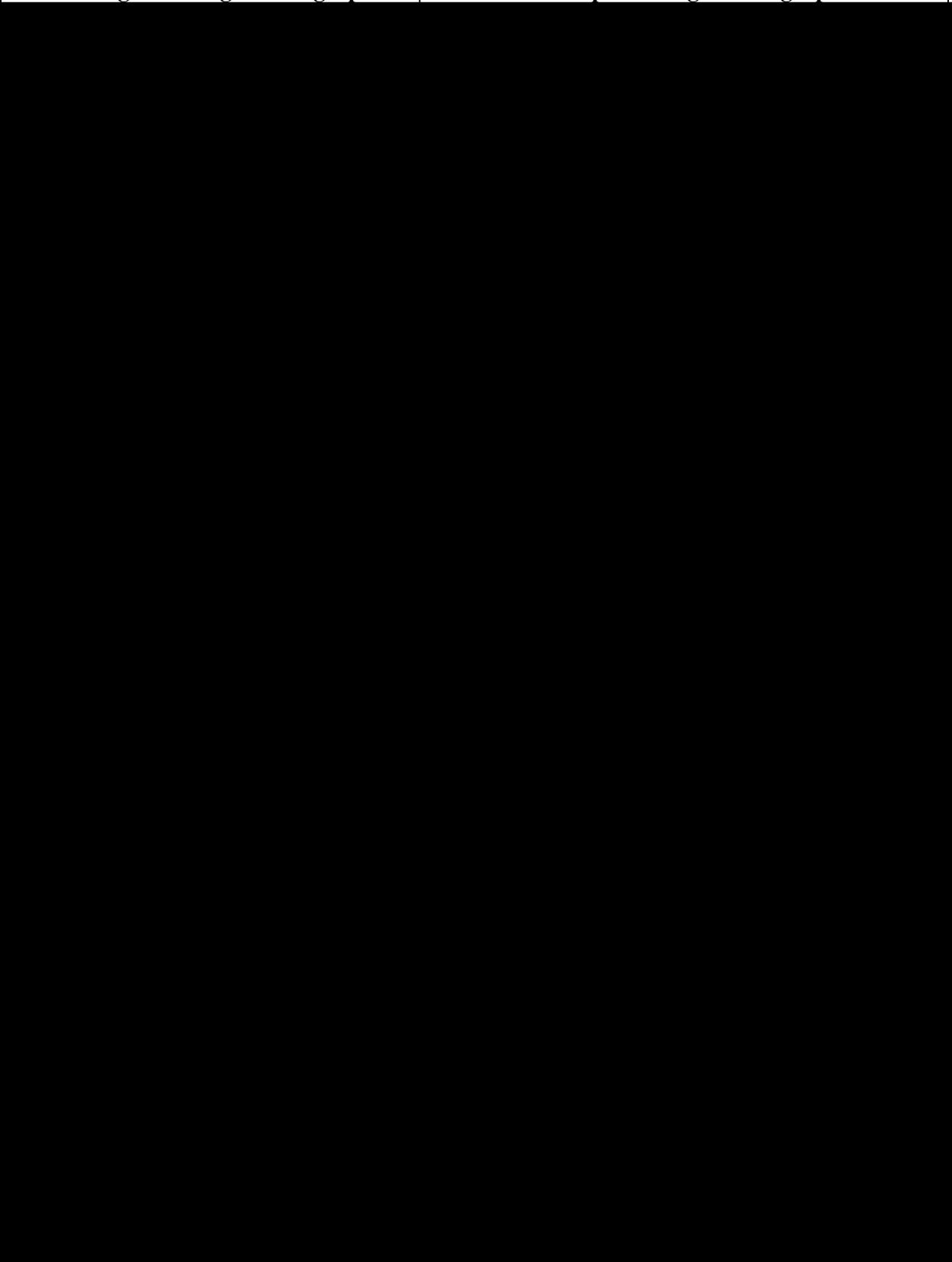
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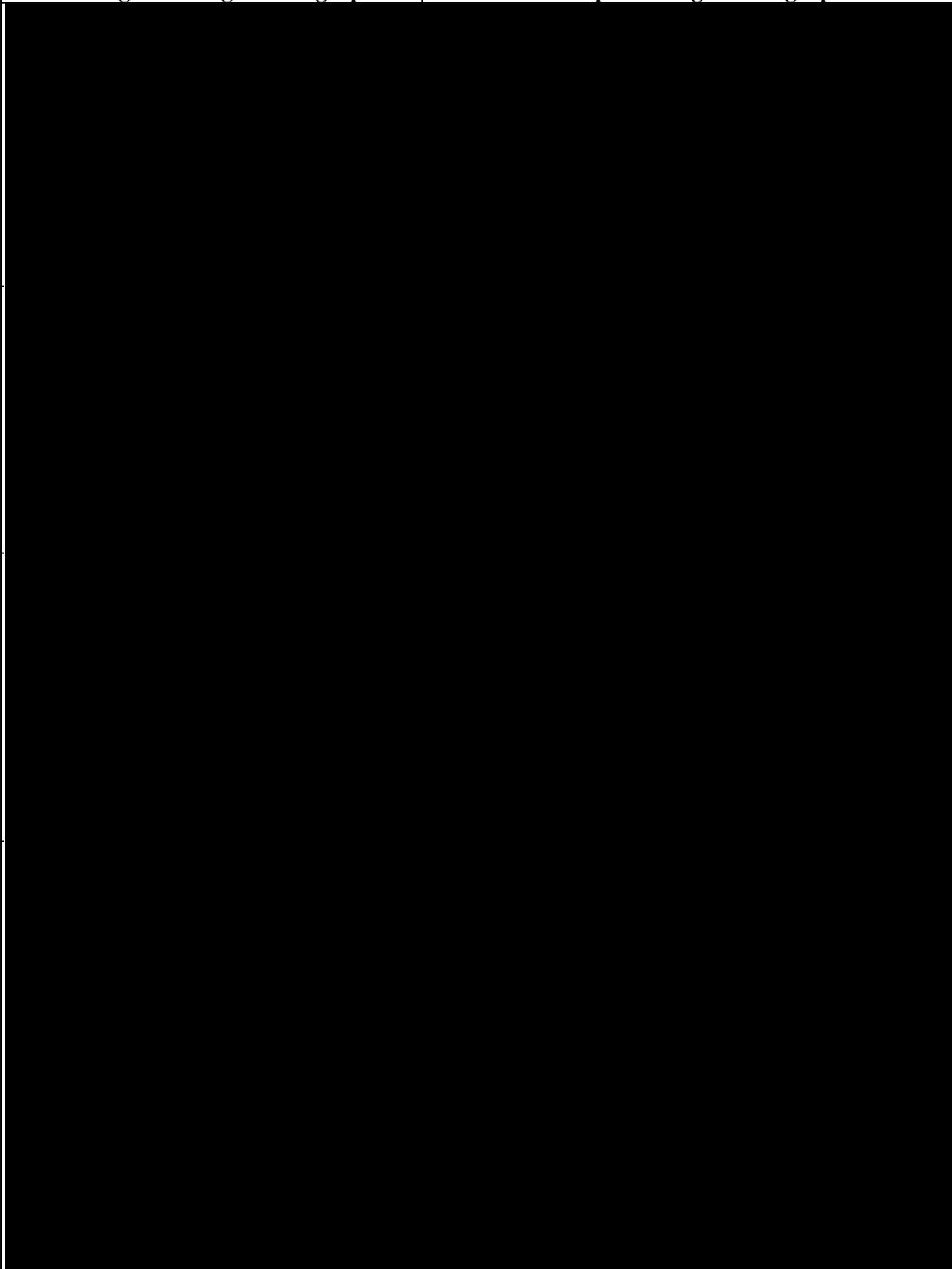
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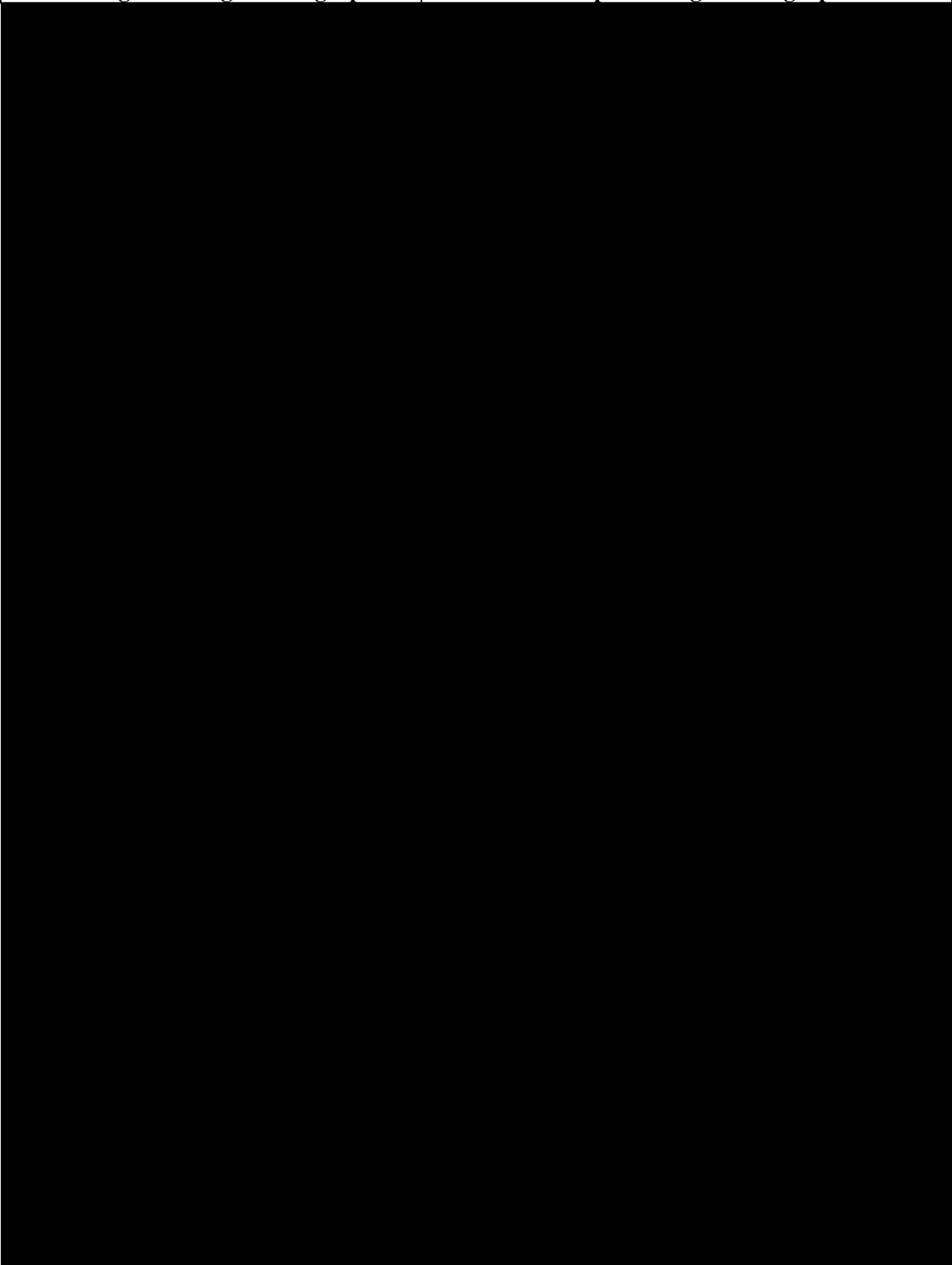
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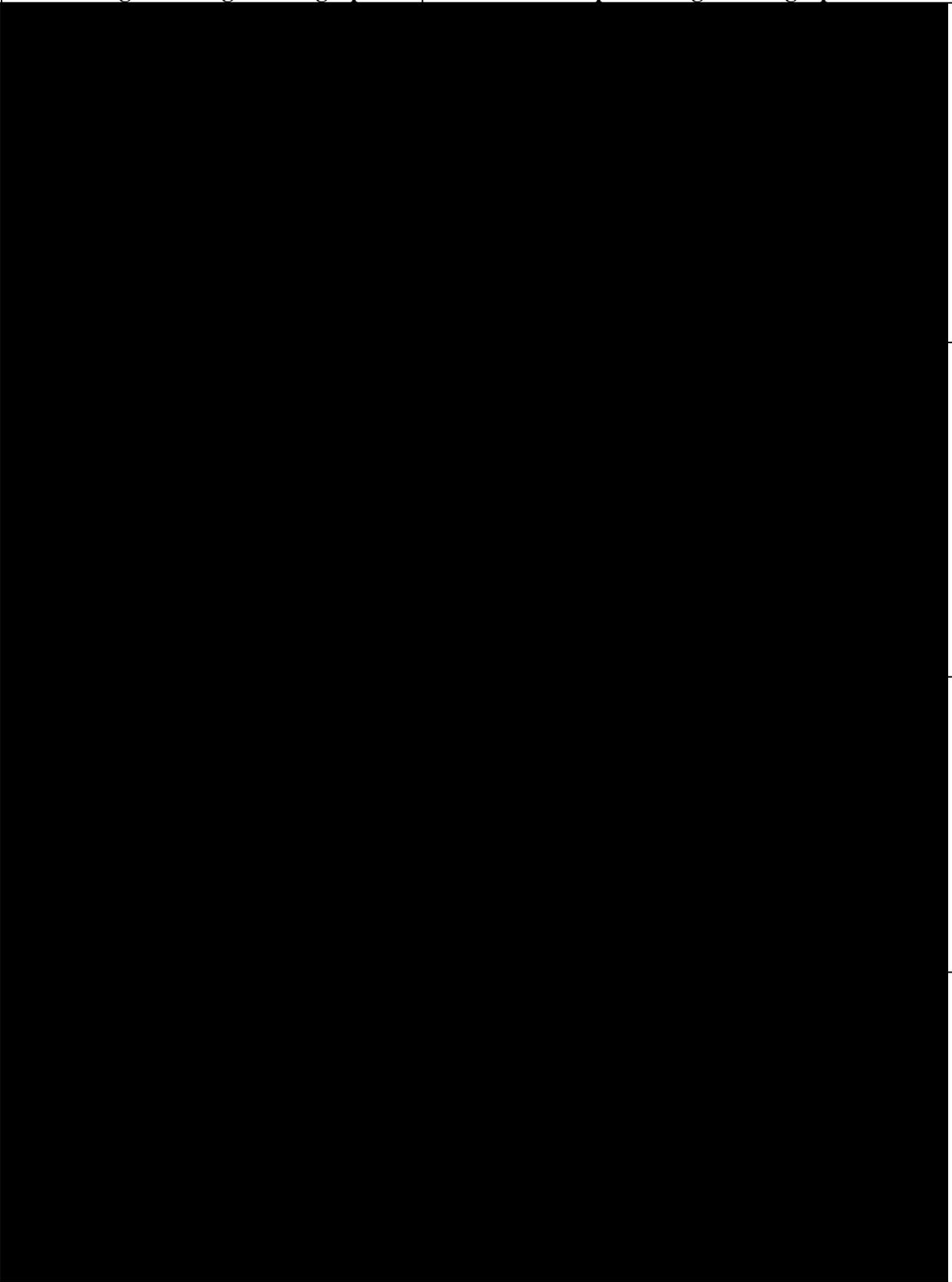
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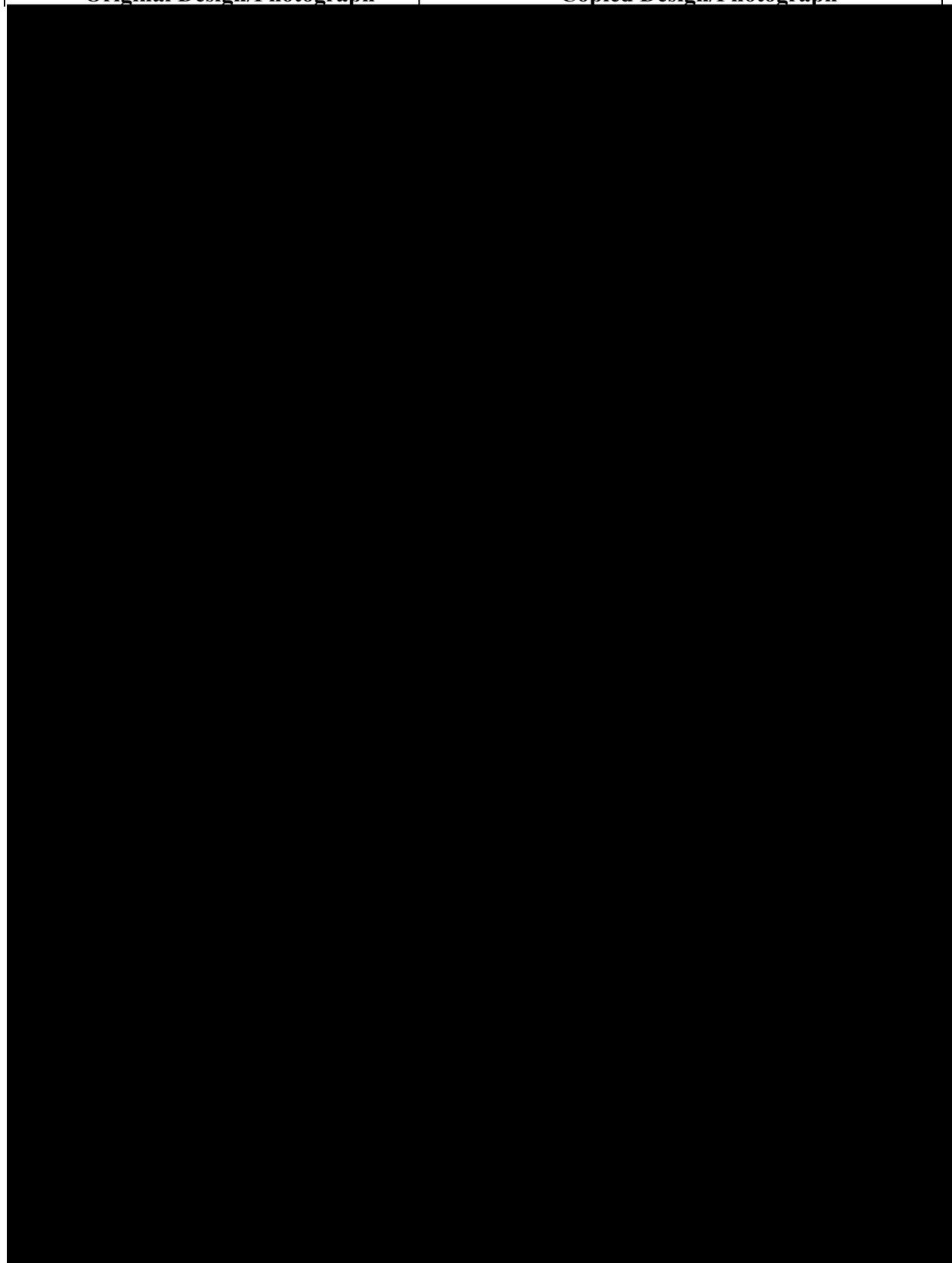
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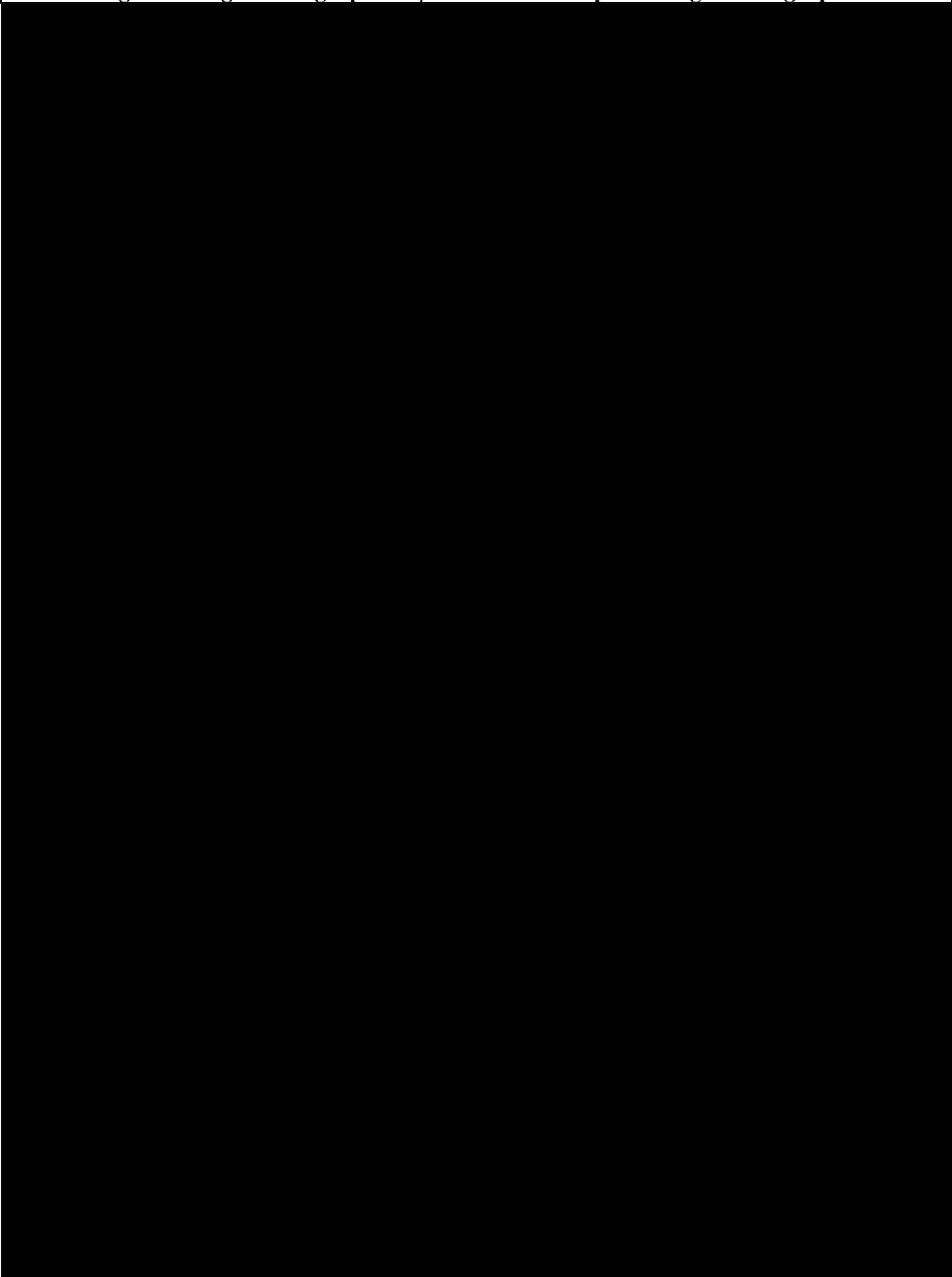
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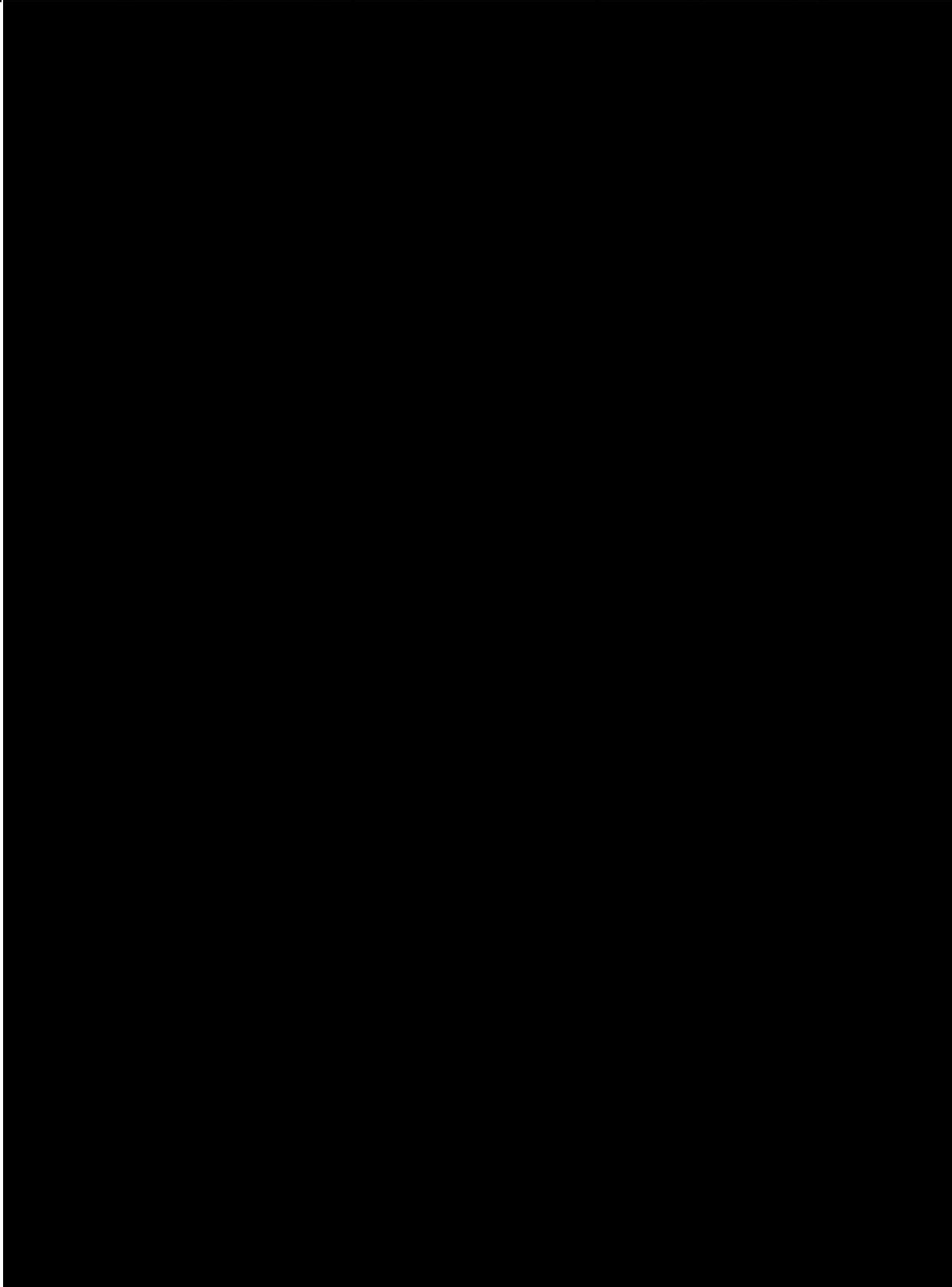
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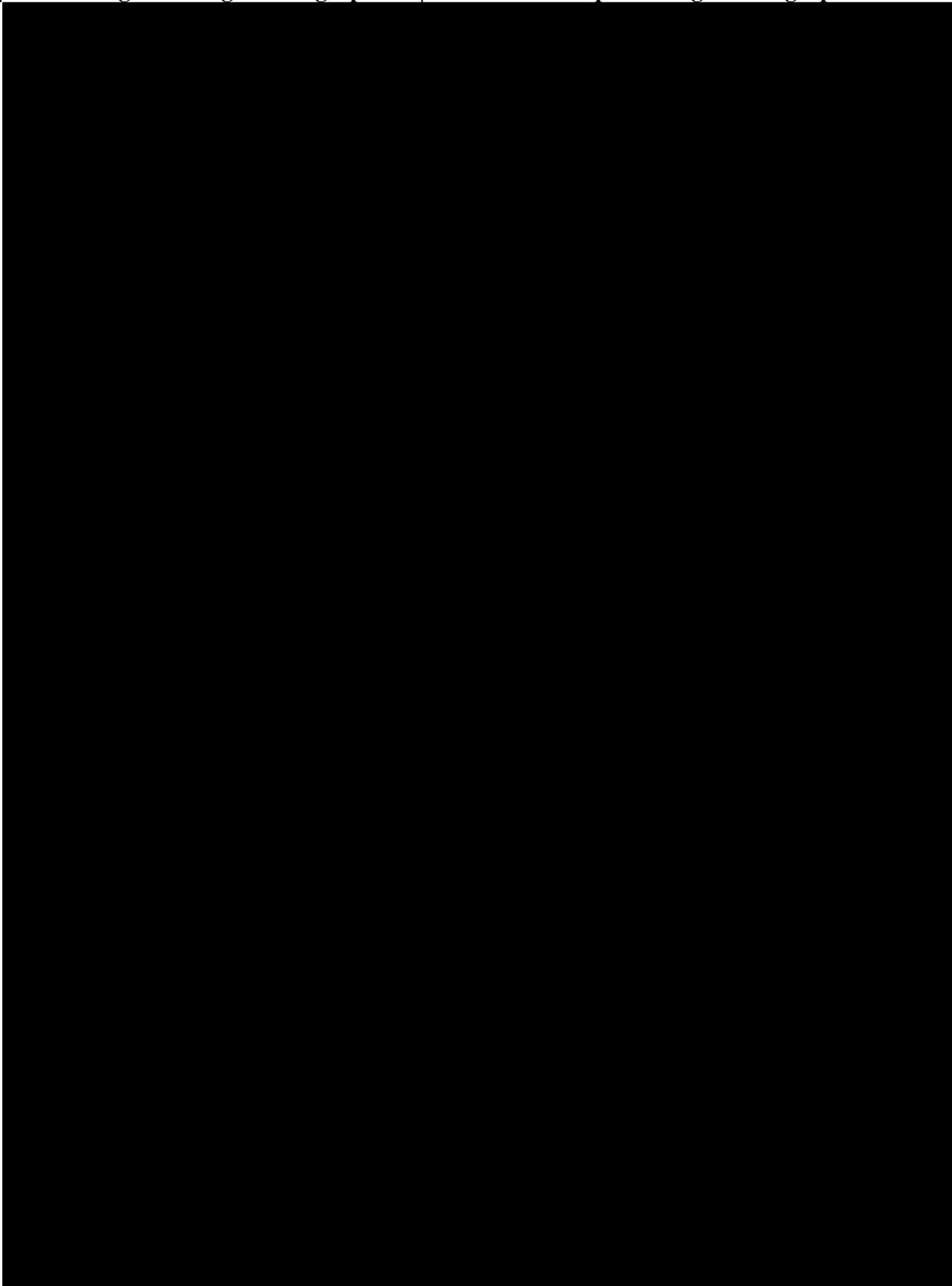
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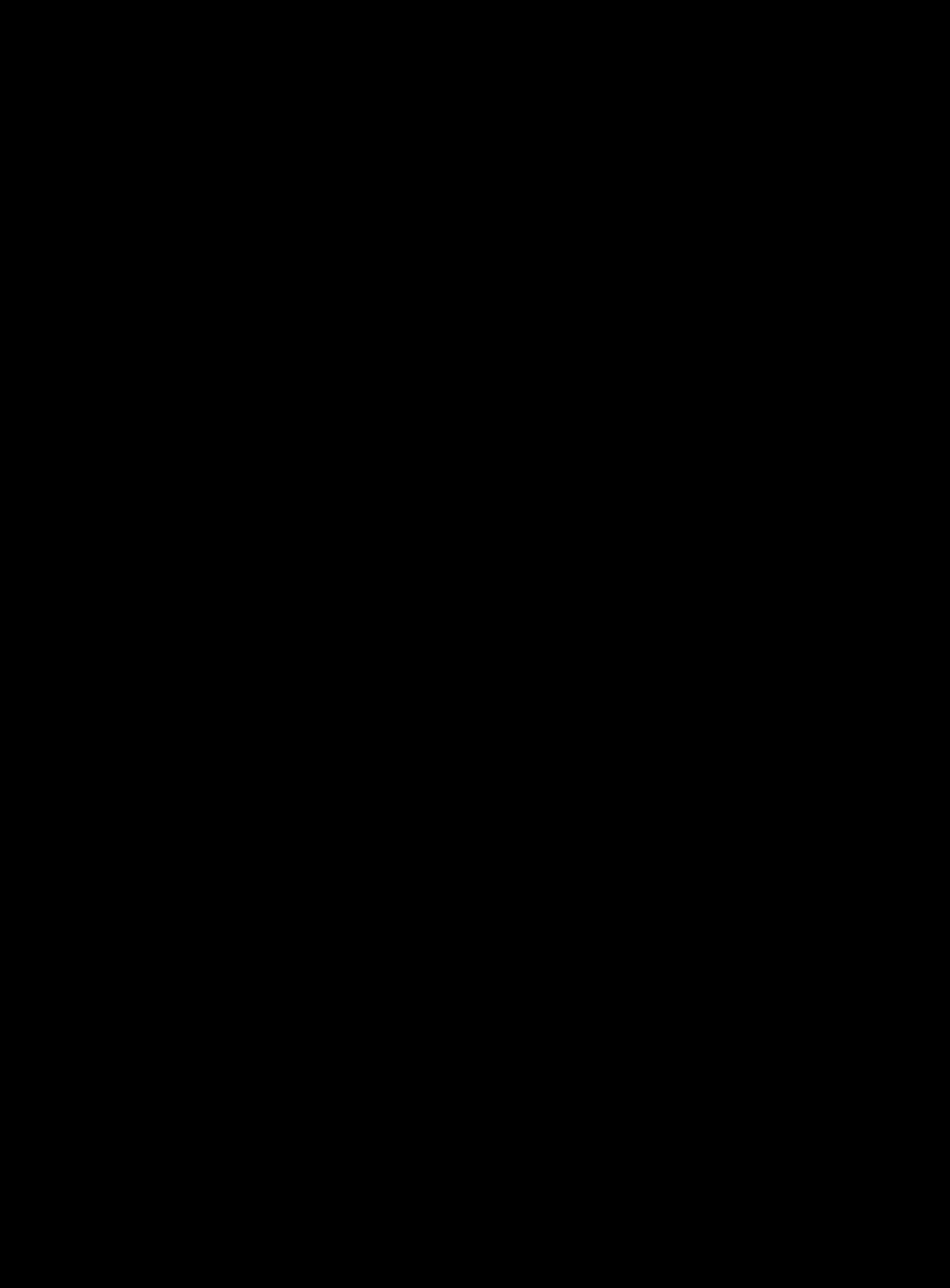
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25. Defendants' actions constitute willful copyright infringement in violation of 17 U.S.C. § § 106 and 501 (a).

26. Defendants reap the benefit of their unauthorized copying in the form of revenue and other profits from the sale of clothing using the copied designs and photographs.

27. Pursuant to 17 U.S.C. § 504, Aji is entitled to actual damages and any additional profits attributable to Defendants' acts in an amount to be determined at trial, as well as statutory damages, enhanced for Defendants' willful infringement.

28. Defendants have caused, and if not enjoined will continue to cause, Aji irreparable injury for which there is no adequate remedy at law.

PRAYER FOR RELIEF

Aji prays for the following relief:

1. Judgment in favor of Aji.
2. Preliminary and permanent injunctive relief restraining Defendants and Defendants' officers, agent, servants, employees, attorneys, and all persons in active concert and/or participation with any of them from:
 - a. reproducing, distributing copies of, making derivative works of, or publicly displaying the Aji Copyrights in any manner without Aji's express authorization;
 - b. manufacturing, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or disposing of, in any manner, products or inventory not manufactured by or for Aji which bear the Aji Copyrights.
3. Entry of an Order that, upon Aji's request, those with notice of the injunction, shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of infringing goods which bear the Aji Copyrights.
4. Compensatory and exemplary damages, as well as disgorgement of Defendants' profits.
5. Alternatively, Aji prays for the maximum amount of statutory damages provided by law, \$150,000 per work infringed pursuant to 17 U.S.C. § 504(c).
6. Pre-and post-judgment interest and attorney's fees and costs.
7. All other and further relief as is just, equitable, and proper.

Date: Chicago, Illinois
May 22, 2024

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Mark K. Suri

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IDENTIFIED ON SCHEDULE A HERETO,

Defendants.

Case No.:

FILED UNDER SEAL

SEALED SCHEDULE A TO SEALED COMPLAINT

No.	Defendant Seller	Defendant Online Market Place	Design Infringed	Product Link(s)
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

■	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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