

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

UNITED STATES OLYMPIC AND
PARALYMPIC COMMITTEE,

Plaintiff,

v.

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

Defendants.

Case No.:

COMPLAINT

Plaintiff United States Olympic and Paralympic Committee (the “USOPC” or “Plaintiff”) brings this action against the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations identified in Schedule A hereto (collectively, “Defendants”). In support of this Complaint, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. § 220506(a) (the “Ted Stevens Act”), 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, as each of the Defendants directly targets consumers in the United States, including in Illinois and in this District, through acts of counterfeiting, and trademark infringement, as described herein.

3. Specifically, Defendants, under the cover of aliases, operate Internet enterprises, online marketplaces, profiles, stores and/or accounts (collectively, “Defendant Internet Stores”), through which Defendants sell, to consumers in Illinois and in this District, products bearing, and/or that are sold using, counterfeit or infringing versions of Plaintiff’s trademarks. Schedule A identifies the aliases Defendant’s use (“Defendant Aliases”) and URLs associated with each Defendant Internet Store.

4. Each of the Defendants has targeted and sought sales from Illinois residents by operating online stores that offer shipping to the United States, including to addresses in Illinois and in this District, accepting payments in U.S. dollars and, on information and belief, selling products bearing, and/or that are sold using, counterfeit and infringing versions of Plaintiff’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 Plaintiff substantial injury in Illinois.

INTRODUCTION

5. Plaintiff files this action against online infringing counterfeiters who, without consent, improperly trade on Plaintiff’s reputation and goodwill by using unauthorized, infringing counterfeit, and/or copied versions of Plaintiff’s OLYMPIC trademarks (the “OLYMPIC Trademarks”), as identified below in this Complaint, to sell, offer for sale, distribute, or advertise infringing products (the “Infringing Products”).

6. Defendants have created the Defendant Internet Stores, operate under one or more Defendant Aliases, and are advertising, offering for sale and selling Infringing Products to unsuspecting consumers. Defendant Internet Stores operating under the Defendant Aliases share unique identifiers, establishing a logical relationship between them and suggesting that Defendants’ counterfeiting actions arise out of the same transaction or occurrence, or series of transactions or occurrences.

7. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal actions. Plaintiff files this action to address Defendants' infringement of the OLYMPIC Trademarks and to protect unknowing consumers from purchasing unauthorized counterfeit products over the Internet. Plaintiff 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.

PLAINTIFF

8. The USOPC serves as both the National Olympic Committee ("NOC") and the National Paralympic Committee for the United States. In its role as NOC, the USOPC promotes the tenets of Olympism, as embodied in the Olympic Charter. Such tenets include the practice of sport without discrimination, and competition with a spirit of goodwill, solidarity, and fair play. The USOPC serves as a steward for the Olympic and Paralympic movements in the United States and is responsible for fielding U.S. teams for the Olympic, Paralympic, Youth Olympic, Pan American, and Parapan American Games.

9. The USOPC exists to empower Team USA athletes to achieve sustained competitive excellence and well-being. Approximately 82% of the USOPC's budget has a direct impact on its mission of supporting athletes via a variety of programs for both athletes and their National Governing Bodies. In addition to performance grants and rewards, additional support is provided in the form of training facilities, sports medicine and science, coaching education, health insurance, promotional opportunities, education and career services, outfitting and travel, and safe sport and anti-doping programming.

10. Additionally, the USOPC oversees the process by which U.S. cities bid to host the Olympic and Paralympic Games, the Youth Olympic Games, or the Pan and Parapan American Games, while also playing a supporting role in the bid processes for hosting a myriad of other international

competitions. Further, the USOPC approves the U.S. trials sites and procedures for the Olympic, Paralympic, Youth Olympic, Pan American, and Parapan American Games team selections.

11. As set forth in the Olympic Charter, the USOPC is obligated to protect Olympic intellectual property in the United States for the benefit of the Olympic Movement.

12. In recognition and furtherance of the scope of the USOPC's responsibilities and undertakings, Congress granted the USOPC the exclusive right to use and control the use of Olympic terminology and imagery within the United States. *See*, The Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. § 220506(a).

13. The United States Patent and Trademark Office has granted Plaintiff registrations for the OLYMPIC Trademarks. These include U.S. Reg. Nos. 968566, 2311493, 2777890, 7445363, 6383408, 6050531, 6680035, 5813714, 2774352 and 4368713.

14. The forgoing trademark registrations are valid, subsisting, and in full force and effect. True and correct copies of federal trademark registration certificates for the OLYMPIC Trademarks are attached hereto as Exhibit 1.

15. Plaintiff's brand, symbolized by the OLYMPIC Trademarks, is a recognized symbol of high-quality merchandise. Plaintiff is the official source of authorized OLYMPIC and TEAM USA products:

DEAL ENDS SOON! **FREE SHIPPING ON ORDERS OVER \$39** USE CODE: OLYFS39 [CLICK FOR DETAILS](#)
*EXCLUSIONS APPLY

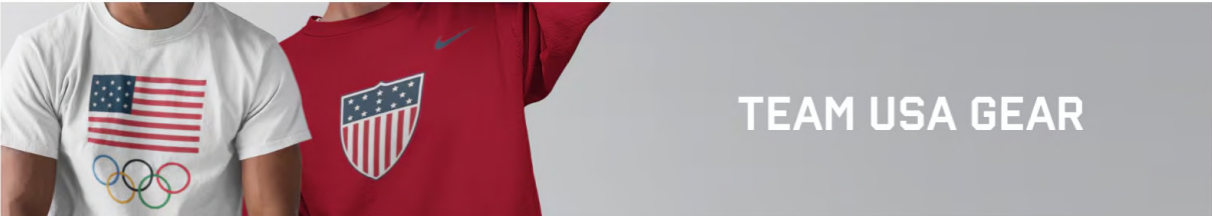
The Olympic Collection celebrates the power of sport - the power to create friendships, to cultivate respect and to bring the world together in the pursuit of excellence.



OLYMPIC COLLECTION
Shop Now

<https://shop3.olympics.com/en/olympic-collection/x-3079>

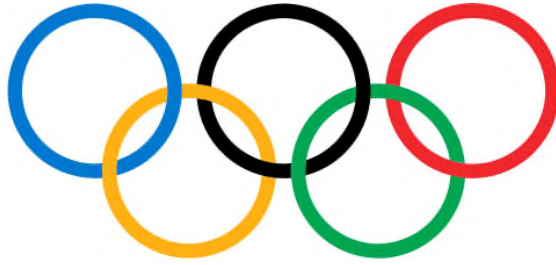
DEAL ENDS SOON! **FREE SHIPPING ON ORDERS OVER \$39** USE CODE: USASHIP39 TERMS AND EXCLUSIONS APPLY. CLICK FOR DETAILS. OFFER EXPIRES 10/29/24 @ 11:59PM ET



TEAM USA GEAR

<https://www.teamusashop.com/>

16. The USOPC's exclusive rights to the OLYMPIC Trademarks are also codified in The Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. § 220506(a) (the "Ted Steven's Act"). The Ted Steven's Act grants the USOPC the exclusive right to use and control the use of Olympic terminology – including the words "Olympic" and "Olympiad." *Id.* The USOPC's exclusive rights also extend to OLYMPIC imagery, including the OLYMPIC Symbol "consisting of 5 interlocking rings."



Id.

17. The Ted Stevens Act authorizes the USOPC to file a civil action against the unauthorized use “for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition...[of] any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by” the USOPC or its affiliates. 36 U.S.C. § 220506(c).

18. The intent of Congress in granting the USOPC exclusivity over the Olympic brand was to generate revenue to finance the United States’ involvement in the Olympic Games. Although Congress charged the USOPC with the responsibility to finance U.S. participation in the Olympics, the USOPC does not receive financial assistance from the United States Government. *See, U.S. Olympic Comm. v. Intelicense Corp., S.A.*, 737 F.2d 263, 266 (2d Cir. 1984) (“the USOC is the only NOC [National Olympic Committee] that does not receive formal financial assistance from the Government” (emphasis added)).

19. The United States Supreme Court has explained the unambiguous intent of Congress in granting the USOPC exclusivity over the Olympic brand is to generate revenue to finance the United States’ involvement in the Olympic Games. *See, San Francisco Arts & Athletics, Inc. v. U.S. Olympic Comm.*, 483 U.S. 522 (1987); *Intelicense Corp.*, 737 F.2d at 266 (noting “it is clear that the Congressional intent in enacting [the Act] was to promote the United States Olympic effort by entrusting the USOC with unfettered control over the commercial use of Olympic-related designations”

to “facilitate the USOC’s ability to raise those financial resources from the private sector that are needed to fund the United States Olympic Movement”).

20. The USOPC raises the money it needs to operate by, in large part, licensing use of its intellectual property to sponsors and licensees. These legitimate license fees pay to house, feed, train, and otherwise support U.S. Olympic athletes, and finance this country’s participation in the Olympic Games.

21. Plaintiff’s use and registrations of the OLYMPIC Trademarks create trademark rights in the OLYMPIC Trademarks that are subject to enforcement under the Ted Stevens Act and the Lanham Act.

22. The OLYMPIC Trademarks are distinctive and identify the merchandise as goods from the Plaintiff. The registrations for the OLYMPIC Trademarks constitute prima facie evidence of their validity and of Plaintiff’s exclusive right to use the OLYMPIC Trademarks pursuant to 15 U.S.C. § 1057 (b).

23. The OLYMPIC Trademarks have been continuously used and never abandoned.

24. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the OLYMPIC Trademarks. As a result, products bearing the OLYMPIC Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff.

DEFENDANTS

25. Defendants are individuals and business entities who, on information and belief, reside outside the United States. Defendants conduct business throughout the United States, including within Illinois and in this District, through the operation of online enterprises such as the Defendant Internet Stores.

26. 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 products using infringing and counterfeit versions of the OLYMPIC Trademarks in the same transaction, occurrence, or series of transactions or occurrences. Tactics used by Defendants to conceal their identities and the full scope of their infringing operations and relatedness make it virtually impossible for Plaintiff to learn Defendants' true identities and the precise interworking of their counterfeit network.

THE DEFENDANTS' UNLAWFUL CONDUCT

27. Plaintiff has identified numerous marketplace profiles associated with the Defendant Internet Stores on third-party platforms, such as Amazon. See, Schedule A. Defendants use the Defendant Aliases and the Defendant Internet Stores to advertise, offer for sale, sell, and import Infringing Products to consumers in this District and throughout the United States.

28. According to an intellectual property rights seizures statistics report issued by U.S. Customs and Border Protection ("CBP"), the manufacturer's suggested retail price (MSRP) of goods seized by the U.S. government in fiscal year 2021 was over \$3.3 billion, an increase of 152% over the previous Fiscal Year. See, Exhibit 2 (Intellectual Property Rights Seizure Statistics, Fiscal Year 2021), p. 5.

29. CBP reports that the vast majority of its intellectual property seizures correspond to smaller international mail and express shipments, such as those used by Defendants. See, Exhibit 3 at p. 37. CPB also reports that "[t]rade in counterfeit and pirated goods threatens America's innovation economy, the competitiveness of our businesses, the livelihoods of U.S. workers, and, in some cases, national security and the health and safety of consumers." Exhibit 3, p. 1.

30. The Department of Homeland Security ("DHS") has reported that commonly owned and/or interrelated enterprises have many online marketplace profiles that appear unrelated:

Platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, nor to link one seller profile to other profiles owned by that same business, or by related businesses and owners. In addition, the party that appears as the seller on the invoice and the business or profile that appears on the platform to be the seller, may not always be the same. This lack of transparency allows one business to have many different profiles that can appear unrelated.

Exhibit 4, p. 39 (Combating Trafficking in Counterfeit and Pirated Goods).

31. Defendants go to great lengths to operate anonymously and often use multiple Defendant Aliases to register and operate their networks of Defendant Internet Stores. Such Defendant Internet Store registration patterns are one of many common tactics Defendants use to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

32. Even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, some of the Defendant Internet Stores use identical or equivalent language to sell Infringing Products.

33. In addition, the Infringing Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the Infringing Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated.

34. On information and belief, Defendants communicate with each other and regularly participate in chat rooms and online forums regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

35. The Defendant Internet Stores also include other notable common features, including common payment methods, lack of contact information, identically or similarly-appearing products, identical or similarly priced items and volume sales discounts, and the use of the same text and images.

36. Defendants further perpetuate the illusion of legitimacy by offering indicia of authenticity that consumers have come to associate with authorized retailers, including Visa®,

MasterCard®, and PayPal® logos. Plaintiff has not licensed or authorized Defendants to use or copy the OLYMPIC Trademarks, and none of the Defendants are authorized retailers of genuine products.

37. Further, counterfeiters, such as Defendants, typically operate multiple credit card merchant accounts and payment service accounts behind layers of payment gateways so that they can continue operation notwithstanding enforcement efforts. Upon information and belief, counterfeiters, such as Defendants, maintain off-shore bank accounts and regularly move funds to evade enforcement of judgment.

38. 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 Infringing Products in the same transaction, occurrence, or series of transactions or occurrences.

39. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use and copy the OLYMPIC Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Infringing Products into the United States and Illinois over the Internet. Each Defendant Internet Store offers shipping to the United States, including to Illinois, and, on information and belief, each Defendant has offered to sell Infringing Products into the United States, including to Illinois.

40. Defendants' unauthorized use and counterfeiting of the OLYMPIC Trademarks in connection with the advertising, distribution, offering for sale, and sale of Infringing Products, including the sale of Infringing Products into Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

COUNT I
VIOLATION OF THE TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT
(36 U.S.C. § 220506)

41. Plaintiff repeats and incorporates by reference herein its allegations contained in the above paragraphs of this Complaint.

42. Pursuant to The Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §220506(c)(4), the USOPC may file a civil action against a person for the remedies provided in the Lanham Act if the person, without the consent of the USOPC, uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition, any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the USOPC or its affiliates.

43. As described above, Defendants are and intend to continue engaging in the unauthorized use in commerce of counterfeit imitations of the registered OLYMPIC Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods, thereby falsely representing association with or authorization by Plaintiff, its affiliates, and/or the Olympic Games.

44. Defendants' use of the OLYMPIC Trademarks in connection with their counterfeit Olympic Products is likely to cause confusion, mistake, and deception among consumers as to the origin and quality of the products bearing counterfeit versions of the OLYMPIC Trademarks, as consumers are likely to believe that Defendants' products and activities are authorized by, licensed or endorsed by, or associated with Plaintiff, its affiliates, and/or the Olympic Games.

45. Defendants' conduct has been and continues to be willful, deliberate, and in bad faith, with malicious intent to trade on the goodwill associated with the OLYMPIC Trademarks.

46. By their conduct, Defendants have caused Plaintiff damage and irreparable injury for which it has no adequate remedy at law, and Defendants will continue to do so unless restrained. and enjoined by this Court from further infringing the OLYMPIC Trademarks and confusing the public.

47. On information and belief, Defendants have and will continue to receive revenues and profits as a result of their infringing use, to which Defendants are not entitled, and Plaintiff has suffered damages as a result of Defendants' unlawful conduct, for which Defendants are responsible.

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

48. Plaintiff repeats and incorporates by reference herein its allegations contained in the above paragraphs of this Complaint.

49. Plaintiff is the exclusive owner of the OLYMPIC Trademarks. The Registrations for the OLYMPIC Trademarks (attached as Exhibit 1) are in full force and effect.

50. The marks used by Defendants in their promotion, advertising, marketing, offers for sale, and sale of the Infringing Products are identical with, or substantially indistinguishable from, the registered OLYMPIC Trademarks.

51. Defendants have engaged in unauthorized uses in commerce of counterfeit imitations of the registered OLYMPIC Trademarks in connection with the sales, offers for sale, distribution, and/or advertising of infringing goods.

52. The OLYMPIC Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Plaintiff's products provided under the OLYMPIC Trademarks.

53. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the OLYMPIC Trademarks without Plaintiff's authorization or permission.

54. Upon information and belief, Defendants have knowledge of Plaintiff's rights in the OLYMPIC Trademarks, and are willfully infringing and intentionally using counterfeits of the OLYMPIC Trademarks despite such knowledge.

55. Defendants' willful, intentional and unauthorized use of the OLYMPIC Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the counterfeit goods among the general public.

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

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

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

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

59. Plaintiff repeats and incorporates by reference herein its allegations contained in the above paragraphs of this Complaint.

60. Defendants' promotion, advertising, marketing, offering for sale, and sale of Infringing 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 Plaintiff or the origin, sponsorship, or approval of Defendants' Infringing Products by Plaintiff.

61. By using the OLYMPIC Trademarks in connection with the sale of Infringing Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Infringing Products.

62. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Infringing Products to the general public is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff 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 OLYMPIC 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 product or not authorized by Plaintiff to be sold in connection with Plaintiff's Trademarks;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's OLYMPIC Trademarks;

c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff; and

d. further infringing Plaintiff's OLYMPIC Trademarks and and damaging Plaintiff'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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's Trademarks or any reproductions, counterfeit copies or colorable imitations thereof.

f. Violating Plaintiff's exclusive rights to OLYMPIC terminology and imagery as set forth in the Ted Steven's Act, 36 U.S.C. § 220506.

2) Plaintiff further requests that Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendants have complied with paragraph 1, a through e, above.

3) Plaintiff further seeks entry of an order that, upon Plaintiff's request, any third party receiving notice who is providing, or has provided, services to any of the Defendants, or in connection with any of the ecommerce Internet stores operating under the Defendant Aliases, or other aliases operated by Defendants, including, without limitation, any online marketplace platforms, such as Amazon, or third party payment processors, such as Amazon Pay (collectively and hereinafter ("Third Party Providers"), shall:

a. disable and cease providing services for any accounts through which Defendants engage in the sale of Infringing Products using the OLYMPIC Trademarks, including any accounts associated with the Defendants listed on Schedule A;

b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of Infringing Products using the OLYMPIC Trademarks; and

c. cooperate in Plaintiff's enforcement of any judgment in Plaintiff's favor as provided by the Court.

4) Plaintiff further requests that Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the OLYMPIC Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117.

5) Alternatively, Plaintiff requests an award of statutory damages pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every counterfeit use of the OLYMPIC Trademarks.

6) Plaintiff also seeks an award of its reasonable attorneys' fees and costs.

7) Plaintiff also seeks an award of any and all other relief that this Court deems just and proper.

DATED: November 7, 2024

Respectfully submitted,

/s/ Matthew A. Werber

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