

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

WEMADE MAX CO., LTD.,

Plaintiff,

v.

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

Defendants.

Case No.: 1:24-cv-12393

**COMPLAINT**

Plaintiff WeMade Max Co., Ltd. (“WeMade” or “Plaintiff”) brings this action against the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations identified in Schedule A attached hereto (collectively, “Defendants”)<sup>1</sup> and alleges as follows:

**I. JURISDICTION AND VENUE**

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Federal Copyright Act, 17 U.S.C. § 101, et seq., 28 U.S.C. § 1338(a)–(b), and 28 U.S.C. § 1331.

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<sup>1</sup> Defendants use several different online aliases, including at least the following: “LRO,” “Legendary Road Online,” “LegenDaryRoad Online” (sic), “Oze Play,” “OzePlay,” “OzePlay Global Online Game Publishing,” “Tap Game Co., Ltd.,” and “Tap Game.” Upon information and belief, Defendants sell, copy, and/or distribute products on at least the Steam online marketplace, owned and operated by Valve Corp., and on the online marketplace owned and operated by Epic Games. Plaintiff has served subpoenas under 17 U.S.C. § 512(h) of the Digital Millennium Copyright Act (DMCA) to Valve Corp. and Epic Games in order to obtain the identities of Defendants. Plaintiff intends to amend its Complaint once this information is known.

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 consumers in the United States, including Illinois, through at least the fully interactive commercial internet stores operating under the Defendant aliases and/or the online marketplace accounts identified in Schedule A attached hereto (collectively, the “Defendant Internet Stores”). Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can purchase products bearing infringing versions of Plaintiff’s copyrighted works.

3. Each of the Defendants has targeted Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products bearing infringing versions of Plaintiff’s federally registered copyrighted works 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 the State of Illinois.

## **II. INTRODUCTION**

4. Plaintiff, WeMade, is the owner of the federal copyright registrations that protect the creative content of Plaintiff’s software, images, and illustrations. WeMade is a leading international developer and publisher of a variety of different genres of video games, including Massively Multiplayer Online RPG (MMORPG), for multiple personal computer and mobile device platforms.

5. Since its founding in 2000, WeMade has developed and published numerous titles that have achieved worldwide commercial success, such as Legend of Mir 2, Legend of Mir 3,

Master of Fantasy, Chang Chun, Windrunner, Candypang, Wind Soul, Hero Stone, God of GoStop, and Silkroad Online.

6. This action has been filed by Plaintiff to combat online copyright infringers who trade upon Plaintiff's reputation, goodwill, and valuable copyrights by selling, offering for sale, copying, and/or distributing products in connection with Plaintiff's copyrighted images, illustrations, and software. In addition, the Defendants are selling, offering for sale, copying, and/or distributing unauthorized products that are based on and derived from the copyrighted subject matter of Plaintiff's protected works.

7. Plaintiff is the owner of United States Copyright Registration No. TXU 001-621-282 and Korean Copyright Registration No. S-2003-005456-2 (the "WeMade Works"). Registrations for the WeMade Works (the "Copyright Registrations") are attached hereto as Exhibits 1 and 2. Upon information and belief, the copyrights have an effective date that predates the Defendants' acts of copyright infringement.

8. In an effort to illegally profit from the creative content of the WeMade Works, Defendants have created numerous Defendant Internet Stores and designed them to appear to be selling and/or distributing authorized products.

9. Plaintiff has been and continues to be irreparably harmed through loss of control over Plaintiff's reputation, goodwill, ability to license, and the quality of goods featuring the WeMade Works.

10. Plaintiff's investigation shows that the telltale signs of an illegal piracy ring are present in the instant action. For example, Schedule A shows the use of store names by the Defendant Internet Stores that employ no normal business nomenclature and, instead, have the appearance of being made up, or if a company that appears to be legitimate is used, online research shows that there

is no known address for the company. Thus, the Defendant Internet Stores are using fake online storefronts designed to appear to be selling, offering for sale, and/or distributing genuine WeMade software (“WeMade Products”), while selling, offering for sale, and/or distributing inferior imitations and/or derivatives of Plaintiff’s WeMade Products. The Defendant Internet Stores also share unique identifiers, such as design elements and similarities of the infringing products offered for sale, establishing a logical relationship between them, and suggesting that Defendants’ illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal piracy operation. Plaintiff is forced to file this action to combat Defendants’ infringement of Plaintiff’s WeMade Works, as well as to protect unknowing consumers from purchasing unauthorized WeMade Products over the internet.

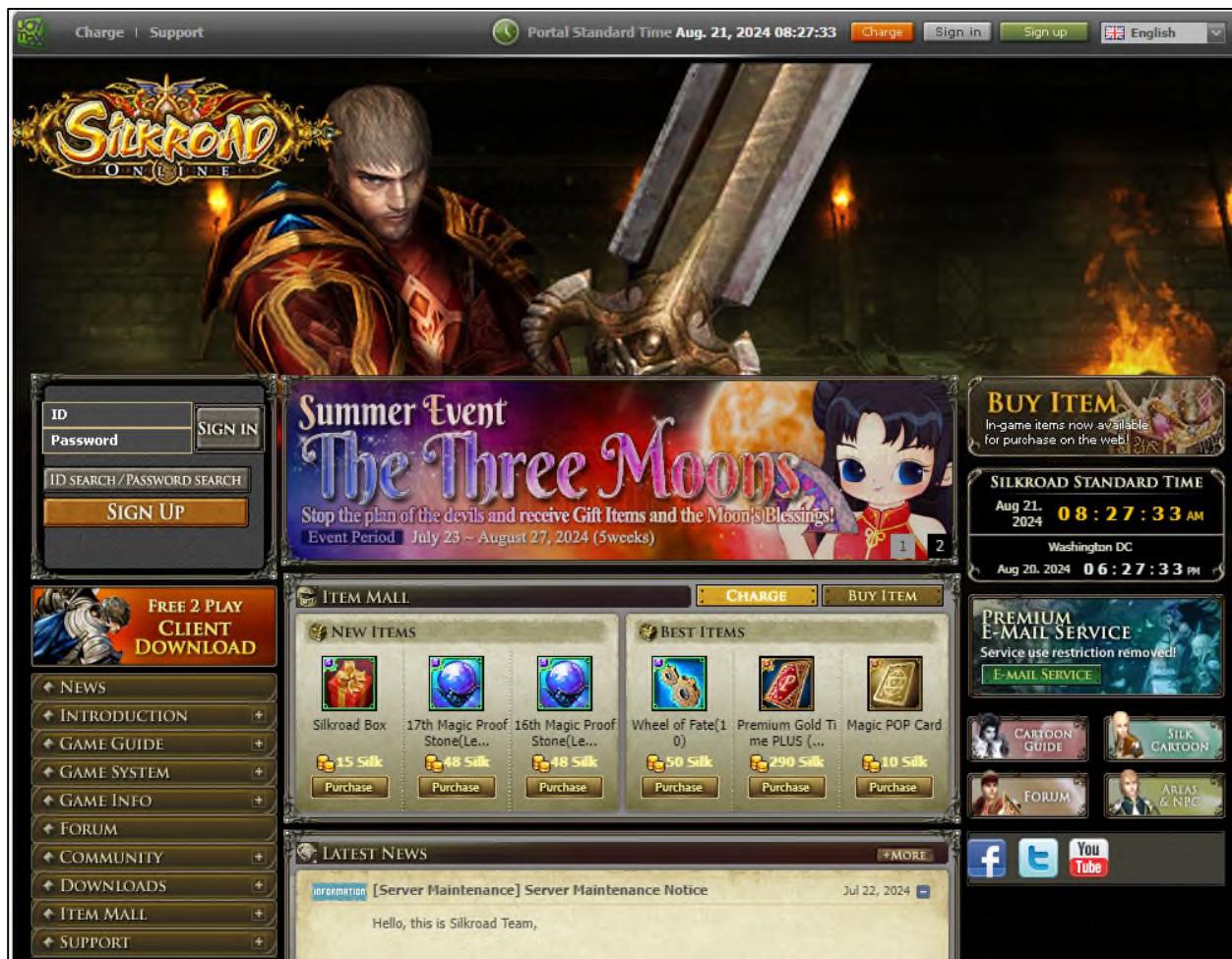
11. This Court has personal jurisdiction over each Defendant, because each Defendant conducts significant business in Illinois and in this judicial district. Furthermore, the acts and events giving rise to this lawsuit were undertaken in Illinois and in this judicial district. In addition, each Defendant has offered to sell, sold, and/or distributed infringing products into this judicial district.

### **III. THE PLAINTIFF**

12. WeMade is a publicly traded company (KOSDAQ Ticker A112040) incorporated in South Korea. Its principal place of business is located at WeMade Tower 49, Daewangpangyo-ro 644beon-gil Bundang-gu, Seongnam-si, Gyeonggi-do, 13493, South Korea. WeMade operates offices in a number of different countries across the globe, including in the United States in Irvine, California.

13. WeMade is a leading international developer and publisher of video game for a variety of personal computer and mobile device platforms. Since its founding in 2000, WeMade has developed and published numerous titles that have achieved global commercial success, such as Legend of Mir 2, Legend of Mir 3, Master of Fantasy, Chang Chun, Windrunner, Candypang, Wind Soul, Hero Stone, God of GoStop, and Silkroad Online.

14. Silkroad Online is a fantasy massively multiplayer online role-playing game (*i.e.*, “MMORPG”) set in the 7th century AD along the Silk Road between China and Europe. First released in 2005 for the PC, the game has since gained international acclaim.



See Silkroad Online, <https://www.joymax.com/silkroad/>.

15. WeMade is the owner of the Copyright Registrations that protect the creative content of the WeMade Works. WeMade has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the WeMade Works. As a result, products associated with the WeMade Works are recognized and exclusively associated by consumers, the public, and the trade as products authorized by Plaintiff as the WeMade Products.

16. Plaintiff is the owner of United States and Korean Copyright Registrations that cover the WeMade Works. The Copyright Registrations are valid, subsisting, and in full force and effect. True and correct copies of registration certificates for the WeMade Works are attached hereto as Exhibits 1 and 2.

17. In an effort to illegally profit from the creative content of the WeMade Works, Defendants have created and offered for sale software products on various online marketplaces that infringe WeMade Works.

18. Plaintiff has invested substantial time, money, and effort in building up and developing consumer awareness, goodwill, and recognition in the WeMade Works.

19. The success of the WeMade Works is due in large part to Plaintiff's marketing, promotional, and distribution efforts.

20. As a result of Plaintiff's efforts, the quality of the WeMade Products, the promotional efforts for Plaintiff's products and designs, press and media coverage, and social media coverage, members of the public have become familiar with the WeMade Works and associate them exclusively with Plaintiff.

21. Plaintiff has made efforts to protect Plaintiff's interests in and to the WeMade Works. No one other than Plaintiff and Plaintiff's licensees are authorized to advertise, create derivative

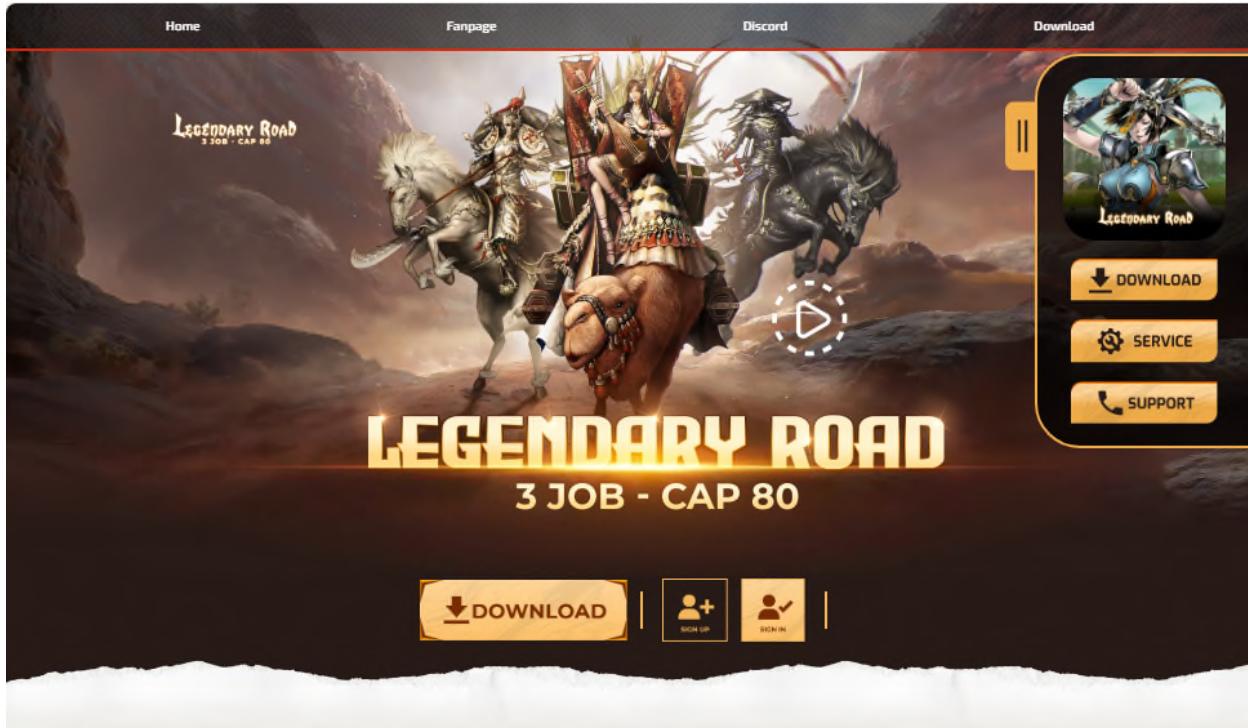
works of, offer for sale, sell, copy, or distribute any goods utilizing the WeMade Works without the express written permission of Plaintiff.

#### **IV. THE DEFENDANTS**

22. Defendants are individuals and business entities who, upon information and belief, reside in Vietnam and/or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Illinois and in this judicial district, through the operation of the fully interactive commercial websites and online marketplaces operating within the United States, including Illinois. Each Defendant targets the United States, including Illinois, and has offered to sell, sold, copied, and/or distributed illegal unlicensed Infringing Products to consumers online within the United States, including Illinois and in this judicial district.

The screenshot shows the OzePlay website interface. At the top, there is a red header with the OzePlay logo on the left, a 'Login' button, and a language selection dropdown showing 'EN'. Below the header is a large 'PLAY' logo with 'LOGIN' text underneath. The main content area features a 3x4 grid of game icons. Each icon includes a small image and the game's name. The games listed are: Legendary Road... (Icon: character in armor), Yokai Tamer (Icon: fox-like character), Forlands (Icon: character with long hair), Soul Destiny (Icon: character with purple hair and a star), Miko Era (Icon: characters in traditional Japanese clothing), Tamash - Rise of... (Icon: character in red and yellow), Dark Continent (Icon: character in dark armor), Savior Fantasy (Icon: character with wings and a halo), Gaia Odyssey (Icon: character with white hair and a large sword), Starfall Fantasy... (Icon: character in red and black), Musou Glory (Icon: character with blue hair and a sword), and Lost in Paradise (Icon: character with purple hair and a pink umbrella). At the bottom of the page is a dark footer with the OzePlay logo, links to 'About us', 'Privacy Policy', 'Terms of Service', and 'Support', and contact information: Email: support@ozeplay.com | Time: 9:00 - 21:00 (GMT + 8) | Copyright © 2023 Tap Game Co., Ltd. All Rights Reserved. Below the footer is a navigation bar with links: Game, Account, Recharge, GiftCode, and Support.

See <https://ozeplay.com/>.



See <https://legendaryroad.net>.

## V. DEFENDANTS' UNLAWFUL CONDUCT

23. The success of the WeMade Works has resulted in significant copying of the creative content protected by Plaintiff's copyright registrations. Plaintiff has identified numerous fully interactive websites and marketplace listings on various platforms. Each Defendant targets consumers in the United States, including the State of Illinois, and has offered to sell, sold, copied, and/or distributed infringing products that violate Plaintiff's intellectual property rights in the WeMade Works ("Infringing Products") to consumers within the United States, including the State of Illinois.

24. Upon information and belief, Defendants facilitate sales by designing the Infringing Products so that they appear to unknowing consumers to be authorized WeMade Products.

25. Upon information and belief, at all times relevant hereto, the Defendants in this action have had full knowledge of Plaintiff's ownership of the WeMade Works, including Plaintiff's exclusive right to use and license such intellectual property and the goodwill associated therewith.

26. Defendants often go to great lengths to conceal their identities by often using multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. Upon information and belief, Defendants create websites and online marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive pirating operation, and to avoid being shut down.

27. In addition to operating under multiple fictitious names, Defendants in this case use a variety of other common tactics to evade enforcement efforts that are typically used by defendants in other similar cases against online infringers. U.S. Customs and Border Protection ("CBP") reports that "[t]rade of 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." *See* Exhibit 3 at 1, <https://www.cbp.gov/trade/priority-issues/ipr>. Moreover, the sale and distribution of unlicensed infringing software on the internet is highly prevalent. According to a recent Business Software Alliance report, unlicensed software accounts for as much as 37% of software installed on personal computers around the globe. *See* Exhibit 4 at 1, [https://gss.bsa.org/wp-content/uploads/2018/05/2018\\_BSA\\_GSS\\_Report\\_en.pdf](https://gss.bsa.org/wp-content/uploads/2018/05/2018_BSA_GSS_Report_en.pdf). At the same time, the prevalence of malware in unlicensed infringing software that is sold and distributed online exposes U.S. and

global consumers to security and safety risks that result in significant economic harm. According to the Business Software Alliance, the “cost for dealing with malware that is associated with unlicensed software is growing,” costing “companies worldwide nearly \$359 billion a year.” *Id.* at 2.

28. Further, infringers such as Defendants, typically operate multiple credit card merchant accounts and third-party accounts, such as PayPal, LLC (“PayPal”) accounts, behind layers of payment gateways so that they can continue operation in spite of Plaintiff’s enforcement efforts. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore infringers regularly move funds from U.S.-based PayPal accounts to foreign-based bank accounts outside the jurisdiction of this Court.

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

30. For instance, Defendants manufactured, imported, distributed, copied, offered for sale, and/or sold a software game titled “Legendary Road Online” on Defendants Internet Stores in addition to a number of online marketplaces, including those operated by Epic Games and Valve Corp. (*i.e.*, Steam).

31. On information and belief, on or around May 12, 2023, Defendants posted on their website that the “Alpha Test Phase” of Legendary Road Online “will start at: 3:00 p.m, December 6th, 2023.” *See* <https://ozeplay.com/home/news/legendary-road-online-alpha-test-announcement-656eee0f51be0>. According to the post, the “Alpha Test phase duration” would last “5 days (until

3:00 p.m., December 11th, 2023)." *Id.* Defendants stated that in "this phase, we'll give to registered account trial items and Free Silk (more information soon)." *Id.*

32. On information and belief, on or around November 14, 2023, Defendants uploaded a trailer of Legendary Road Online to the YouTube channel administered by the user "Legendary Road Online." In the description of one video uploaded on the same date, Defendants included the following language: "We're pleased to introduce our official trailer: 'Legendary Road - start a new journey'! 🏆 Legendary Road Online will bring you the original experience of Silkroad Online 2005 on PC platform, with an Old-School classical gameplay." *See Legendary Road Online official trailer* (Nov. 14, 2023), [https://www.youtube.com/watch?v=E1r\\_yBgmkSs](https://www.youtube.com/watch?v=E1r_yBgmkSs)



#### Legendary Road Online official trailer



Legendary Road Online  
15 subscribers

Subscribe

1 9 Share Download

2,461 views Nov 14, 2023

Legendary Road Online 70 Cap CH Only | Long-Term and F2P | Grand Opening in November 2023.

⭐ We're pleased to introduce our official trailer: "Legendary Road - start a new journey"!

🏆 Legendary Road Online will bring you the original experience of Silkroad Online 2005 on PC platform, with an Old-School classical gameplay:

- ✓ 70 Cap | CH ONLY
- ✓ The Old School - Low leveling experience
- ✓ 1x EXP Rate / 1x Drop Rate
- ✓ Hundreds ingame events
- ✓ Enjoy the true feeling of Silkroad 2005
- ✓ Thousands active players
- ✓ Open Market for everyone
- ✓ Long term and 1-year guarantee as minimum
- 🕒 Released on PC platform in November, 2023.
- 🔥 Come and ready to join us!

*Id.* On information and belief, Defendants have also made statements online that indicate that the Legendary Road Online game is based on WeMade Max's Silk Road software. *See [Legendary Road Online] Official Launch Trailer* (Dec. 20, 2023), <https://www.youtube.com/watch?v=BitUSi207a0> (“Legendary Road Online is a 3D MMO RPG game **based on The Silk Road** in real life.”) (emphasis added); *see*  *LEGENDARY ROAD - REBORN VERSION* at 00:38 (Aug. 25, 2024), <https://www.youtube.com/watch?v=orFvYcQdG6c> (“Prepare to conquer the world of Silkroad”).

33. On information and belief, on or around November 30, 2023, Defendants distributed, copied, offered for sale, sold, and/or distributed copies of Legendary Road Online to the Epic Online marketplace.

**Legenday Road Online**

4.1

Overview FAQ

An Nostalgia Legenday Road Server

Legenday Road Online is a MMORPG (Massively Multiplayer Online RPG) that puts the player deep into ancient Chinese, Islamic, and European civilizations. The Legenday Road, was in short, a major cultural and economic trading gateway.

Genres: Action-Adventure

Features: MMO, Online Multiplayer

Legenday Road Online is a MMORPG that puts the player deep into ancient Chinese, Islamic, and European civilizations.

The Legenday Road, was in short, a major cultural and economic trading gateway. Roads connected between ancient Asia and Europe that have disappeared into the forgotten history of glory and adventure.

ESRB: Teen (Blood, Violence)

Users Interact, In-Game Purchases (Includes Random Items)

Base Game

Free

May include in-app purchases

Get

Add To Cart

Add to Wishlist

Developer: Oze Play

Publisher: Oze Play

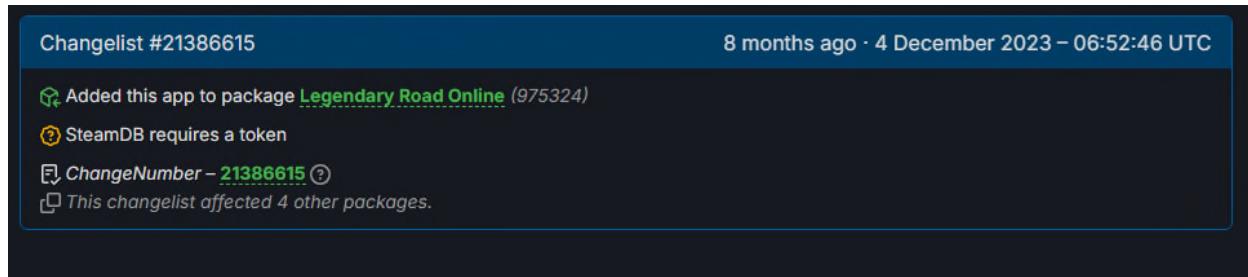
Release Date: 12/03/23

Initial Release: 11/30/23

Platform: Windows

See Legendary Road Online (Epic.com), <https://store.epicgames.com/en-US/p/legenday-road-online-e3f617> (Last Visited Nov. 11, 2024).

34. On information and belief, on or around the same time, Defendants distributed, copied, offered for sale, and/or sold copies of Legendary Road Online on the Steam online marketplace, operated by Valve Corp.



*See id.*

35. On information and belief, Defendants has also distributed, copied, offered for sale, and/or sold copies of Legendary Road Online on other online marketplaces registered and/or administered by Defendants, including on <http://www.ozeplay.com>, <https://legendaryroad.net>, <https://MEGA.nz>, <https://www.facebook.com>, and <https://www.youtube.com>.

36. Defendants, without any authorization or license, have knowingly and willfully copied and modified pirated copies Plaintiff's WeMade Works in connection with the development, advertisement, distribution, offering for sale, and sale of illegal unlicensed infringing products into the United States and Illinois over the internet. On information and belief, each Defendant has deliberately copied, displayed, distributed, reproduced, made derivative works of, sold, and/or offered to sell Infringing Products in or into the United States, including Illinois.

37. As a result, Defendants have infringed Plaintiff's WeMade Works. On information and belief, Defendants have deliberately copied, displayed, distributed, reproduced, and/or made derivative works. On information and belief, a non-exhaustive list of the elements Defendants have infringed include: literal and nonliteral elements of source code, object code, game files, scripts, data structures, database elements, application user interfaces, software sequences, software structures, and software organizations; visual elements including individual images and sprites, character designs (*e.g.*, visual appearances and attributes), character dance steps and corporal expressions, 3D / 2D models, graphical user interfaces (*e.g.*, layouts and designs of

menus, icons, screen displays, and other interactive elements), animations, in-game environments (e.g., levels, worlds, and backgrounds), and cinematic cut scenes; audio elements including music, sound effects, voiceovers, and ambient sounds; story scripts, character dialog, and narratives; in-game artwork and illustrations; textual elements (e.g., in-game text, instructions, and dialogue); derivative works; game levels, maps, and mechanics; the unique experience of the game as captured by its substantial similarity; and cinematic works (e.g., motion sequences and interactive storytelling elements).

38. By way of example, as shown below, the “Legendary Road Online” software includes a character named “*Specialty Trader Jodaesan*” (sic) that appears to have been copied directly from a character of the same name that WeMade developed in the early 2000s. The creative elements associated with WeMade’s “*Specialty Trader Jodaesan*” (sic) character have been present in WeMade’s protected software since at least 2003 and are substantially similarly to those associated with the “*Specialty Trader Jodaesan*” character found in the “Legendary Road Online” software. The creative elements associated with WeMade’s “*Specialty Trader Jodaesan*” character have been present in WeMade’s software since at least 2003.

<b>“Specialty Trader Jodaesan”</b>	
<b>Silkroad</b>	<b>Legendary Road</b>
	

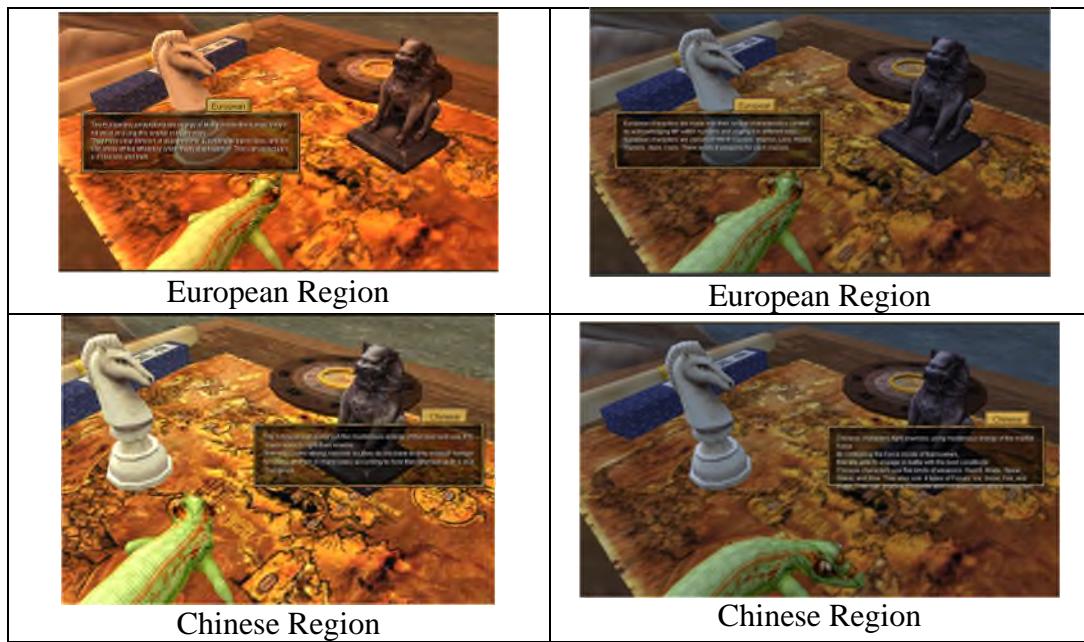
39. By way of another example, as shown below, the “Legendary Road Online” software also includes a character named “Water Ghost” that appears to have been copied directly from a character of the same name that WeMade developed in the early 2000s. The creative elements associated with WeMade’s “Water Ghost” character have been present in WeMade’s protected software since at least 2003 and are substantially similarly to those associated with the “Water Ghost” character found in the “Legendary Road Online” software. The creative elements associated with WeMade’s “Water Ghost” character have been present in WeMade’s software since at least 2003.

“Specialty Trader Jodaesan”	
Silkroad	Legendary Road
	

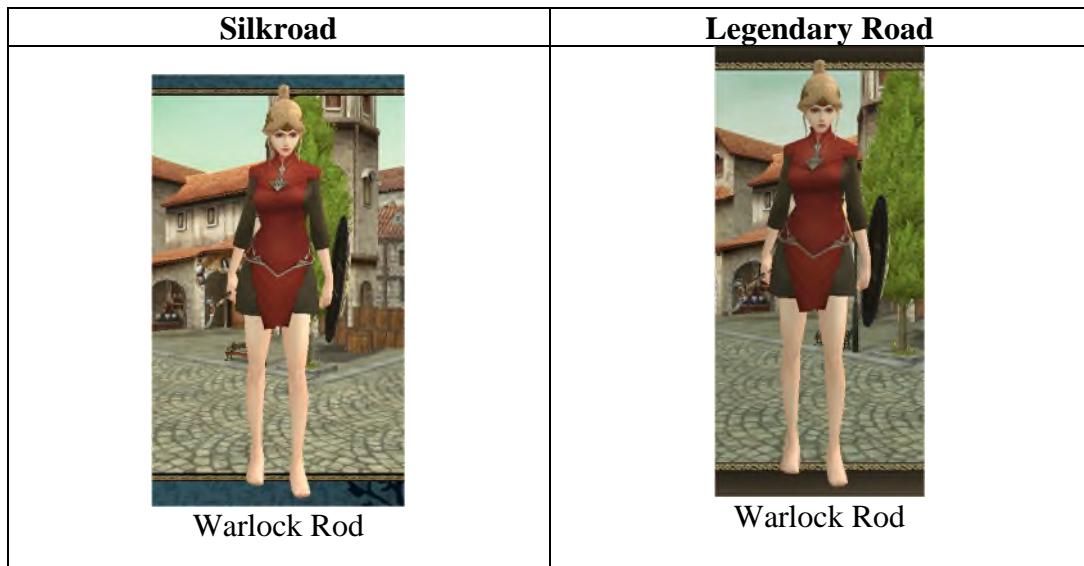
40. Defendants’ copying is not limited to WeMade’s characters. In fact, nearly every aspect of the “Legendary Road Online” software contains creative elements that are substantially similar (if not identical) to creative elements in WeMade’s protected software, including by way of example, the following side by sides included below.

#### Exemplary Regions

Silkroad	Legendary Road
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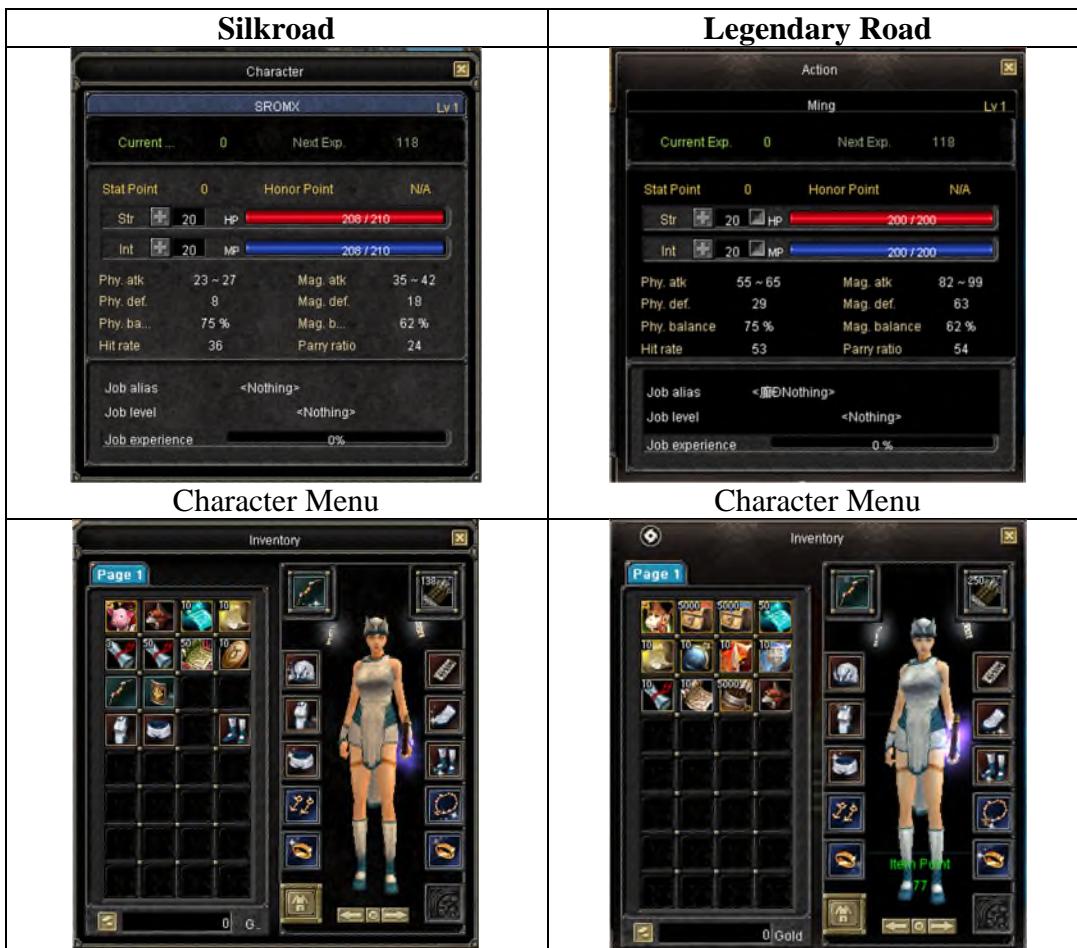


### Exemplary Weapons





### Exemplary Menus



Inventory Menu	Inventory Menu
	
Action Menu	Action Menu
	
Party Menu	Party Menu

## Exemplary Skills

Silkroad	Legendary Road
 Smashing Sword Series	 Smashing Sword Series

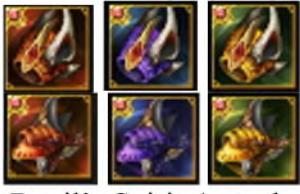
	
Annihilating (sic) Blade Series	Annihilating (sic) Blade Series
	
Soul Departs Spear Series	Soul Departs Spear Series
	
Anti Devil Bow Series	Anti Devil Bow Series

### Exemplary Equipment

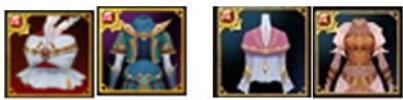
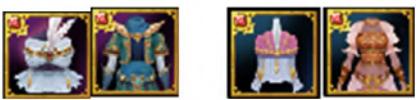
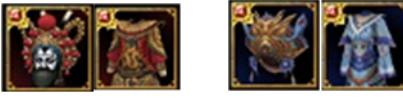
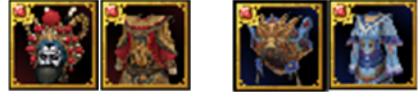
Silkroad	Legendary Road
	
Tetracold	Tetracold
	
Cotton Suit	Cotton Suit
	
Arrows	Arrows
	
Copper Earring	Copper Earring

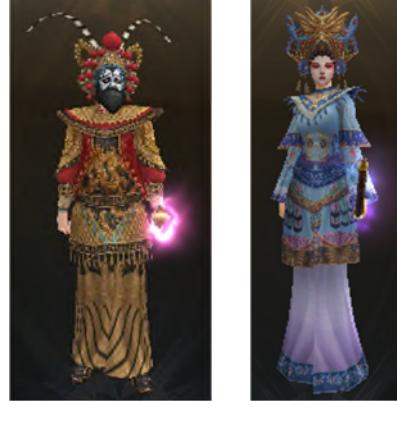
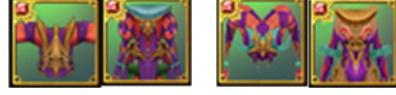
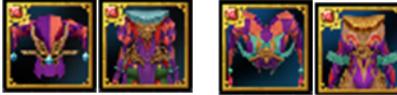
### Exemplary Mall Items

Silkroad	Legendary Road
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Devil's Spirit A grade (Male/Female)	Devil's Spirit A grade (Male/Female)
	
Magic stone of Astral/Immortal	Magic stone of Astral/Immortal
	
Character skin change scroll	Character skin change scroll

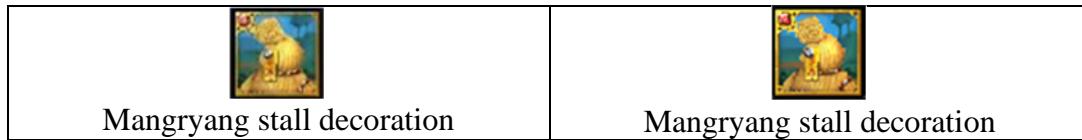
### Exemplary Avatars

Silkroad	Legendary Road
	
	
Arabian Hat/Dress (Male / Female)	Arabian Hat/Dress (Male / Female)
	

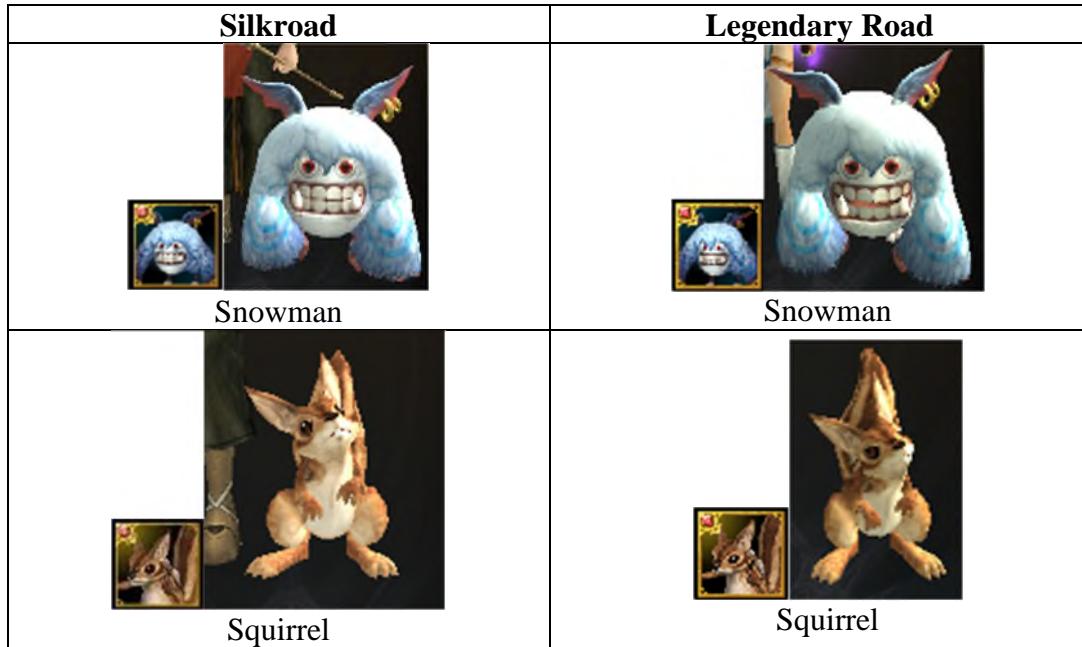
	
<p>Chinese Opera Hat/Dress (Male / Female)</p> 	<p>Chinese Opera Hat/Dress (Male / Female)</p> 

### Exemplary Stall Decorations

Silkroad	Legendary Road
	
Big-eye Ghost stall decoration	Big-eye Ghost stall decoration
	
Combination stall decoration	Combination stall decoration



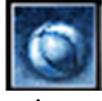
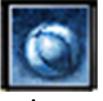
### Exemplary In-Game “Pets”



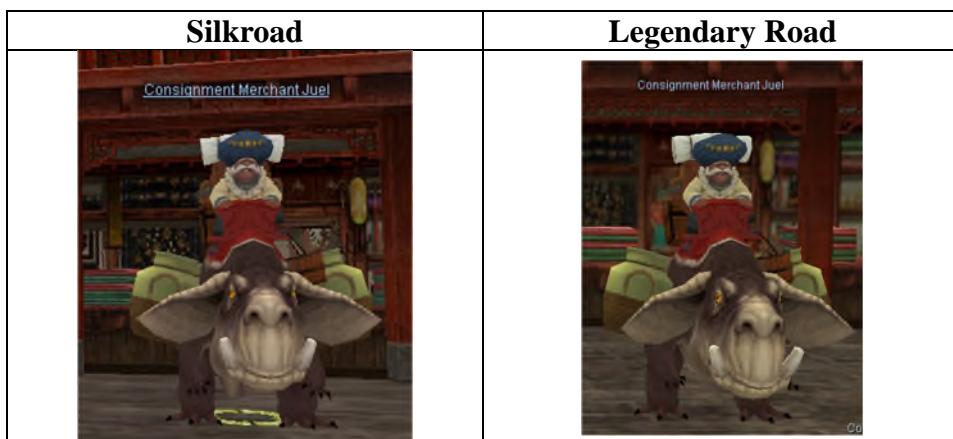
### Exemplary Character Actions



### Exemplary Action Emoticons

Silkroad	Legendary Road
	
	
	
Rush	Rush
Joy	Joy
Charming action	Charming action

### Exemplary Nonplayable Characters (NPC)



### Exemplary Monsters





**COUNT I**

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

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

42. At all relevant times, WeMade is, and has been, the owner of all valid and enforceable rights to the WeMade Works, which contain copyrightable subject matter under 17 U.S.C. §§ 101 and 501, et seq.

43. The WeMade Works have significant value and have been produced at considerable expense.

44. The WeMade Works are the subject of valid certificates of copyright registrations for the WeMade Works, including the Copyright Registrations attached as Exhibits 1 and 2. WeMade has complied with the registration requirements of 17 U.S.C. § 411(a) for the WeMade Works.

45. Defendants do not have any ownership interest in the WeMade Works.

46. Defendants have had access to the WeMade Works, including via the Internet.

47. Without authorization from WeMade, or any right under the law, Defendants have deliberately copied, displayed, distributed, reproduced and/or made derivative works of the WeMade Works, as displayed in relation to the Defendant Internet Stores and the corresponding Infringing Products in violation of 17 U.S.C. § 501 and 17 U.S.C. § 106(1) - (3), (5).

48. Defendants' software, images, artwork, and derivative works are virtually identical to and/or substantially similar to the WeMade Works. Such conduct infringes and continues to infringe the WeMade Works in violation of 17 U.S.C. § 501 and 17 U.S.C. § 106(1) - (3), (5).

49. Defendants reap the illegal benefits of their unauthorized copying, sale, and/or distribution of the WeMade Works in the form of revenue and other profits that are driven by the unauthorized copying, sale, and/or distribution of Infringing WeMade Products.

50. The Defendants have unlawfully appropriated WeMade's protectable expression by taking material of substance and value and creating Infringing WeMade Products that capture the total concept and feel of the WeMade Works.

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

52. The Defendants, by their actions, have damaged WeMade in an amount to be determined at trial.

53. As a result of each Defendant's infringement of Plaintiff's exclusive rights under copyrights, Plaintiff is entitled to relief pursuant to 17 U.S.C. §504 and to its attorneys' fees and costs pursuant to 17 U.S.C. §505.

54. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law.

55. Pursuant to 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing Plaintiff's copyrights and ordering that each Defendant destroy all unauthorized copies.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, employees, attorneys, 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 WeMade Works or any reproductions, copies, imitations, or derivatives thereof in any manner in connection with the distribution, copying, marketing, advertising, offering for sale, or sale of any product that is not an authorized WeMade Product or is not authorized by Plaintiff to be sold in connection with the WeMade Works;
  - b. further infringing the WeMade Works and damaging Plaintiff's goodwill;
    - a. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, or any other online marketplace account that is being used to sell, copy, and/or distribute infringing products that are not authorized or licensed by Plaintiff which are derived from Plaintiff's copyrights in the WeMade Works;
- 2) Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces, social media platforms,

Facebook, YouTube, LinkedIn, Twitter, internet search engines such as Google, Bing, and Yahoo, web hosts for the Defendant Internet Stores, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale, copying, and/or distribution of products that are not authorized or licensed by Plaintiff which reproduce the WeMade Works or are derived from the WeMade Works, 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, copying, and/or distribution of products that are not authorized or licensed by Plaintiff which are derived from the WeMade Works; and
- c. take all steps necessary to prevent links to the Defendant accounts identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant accounts from any search index;

- 3) For Judgment in favor of Plaintiff against Defendants that they have: a) willfully infringed Plaintiff's rights in Plaintiff's federally registered copyrights pursuant to 17 U.S.C. §501; and b) otherwise injured the business reputation and business of Plaintiff by Defendants' acts and conduct set forth in this Complaint;
- 4) For Judgment in favor of Plaintiff against Defendants for actual damages or statutory damages pursuant to 17 U.S.C. §504, at the election of Plaintiff, in an amount to be determined at trial;
- 5) That Plaintiff be awarded Plaintiff's reasonable attorneys' fees and costs; and
- 6) Award any and all other relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

WeMade demands a jury trial on all issues so triable pursuant to Federal Rule of Civil Procedure 38 and other applicable law.

DATED: December 2, 2024

Respectfully submitted,

NIXON PEABODY LLP

*/s/ Erica J. Van Loon*

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