

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

HONG KONG LEYUZHEN TECHNOLOGY  
CO. LIMITED,

Plaintiff,

v.

THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A" HERETO,

Defendants.

**Case No. 1:25-cv-04602**

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff, HONG KONG LEYUZHEN TECHNOLOGY CO. LIMITED ("Leyuzhen" or "Plaintiff"), by Plaintiff's undersigned counsel, hereby files this Complaint against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto as **Exhibit 2** (collectively, "Defendants"), and for Plaintiff's Complaint hereby alleges as follows:

**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.
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 work. 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, has sold products bearing infringing versions of Plaintiff's federally registered copyrighted work 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.

### **INTRODUCTION**

3. Plaintiff, Leyuzhen, is the owner of the federal copyright registration that protects the creative content of Plaintiff's work. Plaintiff is a clothing producer that creates art in the form of copyrighted photographs which are used in marketing Plaintiff's clothing store under the name "Rotita." Plaintiff sells the clothing they produced online at <https://www.rotita.com/>. This clothing is depicted in the copyrighted photographs displayed in Plaintiff's online shop. Plaintiff's passion for creating fashion designs is driven by a desire to design clothing that would not have existed otherwise.

4. This action has been filed by Plaintiff to combat online copyright infringers who trade upon Plaintiff's reputation, goodwill, and valuable copyrighted photographs by selling and/or offering for sale competing products in connection with Plaintiff's photographs. In addition, the Defendants are selling competing products that are based on and derived from the copyrighted photographs that is the subject matter of Plaintiff's Complaint.

5. Plaintiff is the owner of United States Copyright Registration Nos. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],

[REDACTED] (the "Rotita Work"/ "2021 Spring/Summer Collection") and the registration is attached hereto as **Exhibit 1**. These photographs feature distinctive creative elements including specific poses, angles, lighting, and composition that distinguish them from mere catalog images, establishing their originality and creative merit worthy of copyright protection.

6. In an effort to illegally profit from the creative content of the Plaintiff's Work, Defendants have created numerous Defendant Internet Stores and designed them to appear to be selling licensed and authorized Rotita Spring Summer 2021 Fashion.

7. The Defendants' Internet Stores share unique identifiers, such as design elements and similarities of the competing 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 operation. Plaintiff is forced to file this action to combat Defendants' piracy of the copyrighted photographs. Plaintiff has been and continues to be irreparably damaged through loss of control over the authorized use of the valuable copyrighted photographs, reputation, goodwill, the quality, and ability to license as a result of Defendants' actions and seeks injunctive and monetary relief.

8. The rise of online retailing, coupled with the ability of e-commerce sites to hide their identities, has made it nearly impossible for policing actions to be taken by Plaintiff since availing himself of takedown procedures to remove unauthorized copyrighted photographs would be an ineffective and endless game of whack-a-mole against the mass piracy that is occurring over the Internet. Here, a swarm of infringers have decided to trade upon Plaintiff's reputation, goodwill, and valuable copyrighted photographs by selling and/or offering for sale competing products in

connection with Plaintiff's copyrighted photographs. The effect of the mass infringement that is taking place has overwhelmed Plaintiff and Plaintiff's ability to police Plaintiff's rights against the hundreds of anonymous defendants who are selling competing products at prices below Plaintiff's original.

9. To be able to offer the competing products at a price substantially below the cost of original, while still being able to turn a profit after absorbing the cost of manufacturing, advertising, and shipping requires an economy of scale only achievable through a cooperative effort throughout the supply chain. As Homeland Security's recent report confirms, infringers act in concert through coordinated supply chains and distribution networks to unfairly compete with legitimate brand owners while generating huge profits for the illegal pirating network:

Historically, many counterfeits were distributed through swap meets and individual sellers located on street corners. Today, counterfeits are being trafficked through vast e-commerce supply chains in concert with marketing, sales, and distribution networks. The ability of e-commerce platforms to aggregate information and reduce transportation and search costs for consumers provides a big advantage over brick-and-mortar retailers. Because of this, sellers on digital platforms have consumer visibility well beyond the seller's natural geographical sales area.

...

Selling counterfeit and pirated goods through e-commerce is a highly profitable activity: production costs are low, millions of potential customers are available online, transactions are convenient, and listing on well-branded e-commerce platforms provides an air of legitimacy.

...

The impact of counterfeit and pirated goods is broader than just unfair competition. Law enforcement officials have uncovered intricate links between the sale of counterfeit goods and transnational organized crime. A study by the Better Business Bureau notes that the financial operations supporting counterfeit goods typically require central coordination, making these activities attractive for organized crime, with groups such as the Mafia and the Japanese Yakuza heavily involved. Criminal organizations use coerced and child labor to manufacture and sell counterfeit goods. In some cases, the proceeds from counterfeit sales may be supporting terrorism and dictatorships throughout the world.

See Department of Homeland Security, Combating Trafficking in Counterfeit and Pirated Goods, Jan. 24, 2020, (<https://www.dhs.gov/publication/combating-trafficking-counterfeit-and-piratedgoods>), at 10, 19 (emphasis added) attached hereto as **Exhibit 3**.

10. The Defendants' Internet Stores share unique identifiers, such as design elements and similarities of the unauthorized 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 use aliases to avoid liability by going to great lengths to conceal both their identities as well as the full scope and interworking of their illegal network. Despite deterrents such as takedowns and other measures, the use of aliases enables infringers to stymie authorities:

The scale of counterfeit activity online is evidenced as well by the significant efforts e-commerce platforms themselves have had to undertake. A major e-commerce platform reports that its proactive efforts prevented over 1 million suspected bad actors from publishing a single product for sale through its platform and blocked over 3 billion suspected counterfeit listings from being published to their marketplace. Despite efforts such as these, private sector actions have not been sufficient to prevent the importation and sale of a wide variety and large volume of counterfeit and pirated goods to the American public.

...

A counterfeiter seeking to distribute fake products will typically set up one or more accounts on online third-party marketplaces. The ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders. Rapid proliferation also allows counterfeiters to hop from one profile to the next even if the original site is taken down or blocked. On these sites, online counterfeiters can misrepresent products by posting pictures of authentic goods while simultaneously selling and shipping counterfeit versions.

...

Not only can counterfeiters set up their virtual storefronts quickly and easily, but they can also set up new virtual storefronts when their existing storefronts are shut down by either law enforcement or through voluntary initiatives set up by other stakeholders such as market platforms, advertisers, or payment processors.

*Id.* at 5, 11, 12.

11. E-Commerce giant Alibaba has also made public its efforts to control piracy and counterfeiting on its platform. It formed a task force that worked in conjunction with Chinese authorities for a boots-on-the-ground effort in China to stamp out counterfeiters. In describing the counterfeiting networks it uncovered, Alibaba expressed its frustration in dealing with "vendors,

affiliated dealers and factories" that rely upon fictitious identities that enable counterfeiting rings to play whack-a-mole with authorities:

## Fighting China's counterfeits in the online era

Xinhua | Updated: 2017-09-19 14:20



BEIJING - A secret team in Chinese e-commerce giant Alibaba has the task of pretending to be online consumers who test-buy purchases from the billion-plus products on its platforms.

Alibaba's Anti-Counterfeiting Special Task Force, formed last year, actively works with local law enforcement agencies, said Qin Seng.

"After we clean up online shops selling counterfeits, the counterfeiters usually change their identities and places of dispatch, using more covert means to continue selling online," Qin said.

The team uses big data to identify counterfeits and the vendors, affiliated dealers and factories suspected of producing or selling counterfeit items. They pass evidence to the public security, administration of commerce and industry, quality inspection, food and drug supervision and other law enforcement agencies. At the same time, they investigate the evidence in the field.

The team faces many risks in their offline probes.

"Most counterfeiting dens are hidden and well-organized. For example, we encountered a village producing counterfeits. The villagers installed cameras everywhere and when they saw outsiders entering, they became vigilant and even threatened us," Qin said.

See Xinhua, Fighting China's Counterfeits in the Online Era, China Daily (Sept. 19, 2017), available at [www.chinadaily.com.cn/business/2017-09/19/content\\_32200290.htm](http://www.chinadaily.com.cn/business/2017-09/19/content_32200290.htm) (**Exhibit 4**).

12. 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 copyrighted photographs. The rise of eCommerce as a method of supplying goods to the public exposes brand holders and content creators that make significant investments in their products to significant harm from counterfeiters:

Counterfeiting is no longer confined to street-corners and flea markets. The problem has intensified to staggering levels, as shown by a recent Organization for Economic

Cooperation and Development (OECD) report, which details a 154 percent increase in counterfeits traded internationally — from \$200 billion in 2005 to \$509 billion in 2016. Similar information collected by the U.S. Department of Homeland Security (DHS) between 2000 and 2018 shows that seizures of infringing goods at U.S. borders have increased 10-fold, from 3,244 seizures per year to 33,810.

...

The rise in consumer use of third-party marketplaces significantly increases the risks and uncertainty for U.S. producers when creating new products. It is no longer enough for a small business to develop a product with significant local consumer demand and then use that revenue to grow the business regionally, nationally, and internationally with the brand protection efforts expanding in step. Instead, with the international scope of e-commerce platforms, once a small business exposes itself to the benefits of placing products online — which creates a geographic scope far greater than its more limited brand protection efforts can handle — it begins to face increased foreign infringement threat.

...

Moreover, as costs to enter the online market have come down, such market entry is happening earlier and earlier in the product cycle, further enhancing risk. If a new product is a success, counterfeiters will attempt, often immediately, to outcompete the original seller with lower-cost counterfeit and pirated versions while avoiding the initial investment into research and design.

...

Counterfeiters have taken full advantage of the aura of authenticity and trust that online platforms provide. While e-commerce has supported the launch of thousands of legitimate businesses, their models have also enabled counterfeiters to easily establish attractive “store-fronts” to compete with legitimate businesses

See Combating Trafficking in Counterfeit and Pirated Goods, Jan. 24, 2020, (**Exhibit 3**) at 4, 8, 11.

13. Not only are the creators and copyright owners harmed, but the public is also harmed as well:

The rapid growth of e-commerce has revolutionized the way goods are bought and sold, allowing for counterfeit and pirated goods to flood our borders and penetrate our communities and homes. Illicit goods trafficked to American consumers by ecommerce platforms and online third-party marketplaces threaten public health and safety, as well as national security. This illicit activity impacts American innovation and erodes the competitiveness of U.S. manufacturers and workers. The President’s historic memorandum provides a much warranted and long overdue call to action in the U.S. Government’s fight against a massive form of illicit trade that is inflicting significant harm on American consumers and businesses. This illicit trade must be stopped in its tracks.

*Id.* at 3, 4. (Underlining in original).

14. Plaintiff's investigation reveals signs that an illegal counterfeiting ring is present in the instant action. For example, **Exhibit 2**, List Schedule A, shows the use of store names by the Defendant Internet Stores that employ nonstandard business language and categorization, instead, these stores have the appearance of being made up, further if a company that appears to be legitimate is used, online research shows that there is no known address for the company. Therefore, the Defendant Internet Stores are using fake online storefronts designed to appear to be selling authorized Rotita Spring Summer 2021 Fashion Products, while selling inferior imitations of Plaintiff's Fashion Collection at a lower price. Moreover, the Defendants' Internet Stores also share unique identifiers, such as design elements and similarities of the competing 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 copyrighted photographs, as well as to protect unknowing consumers from purchasing unauthorized Rotita Spring Summer 2021 Fashion Collection over the Internet. Attached as **Exhibit 6** is the infringement evidence of Defendants' use of the Rotita Copyright images.

15. 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 and ship infringing products into this judicial district.

**THE PLAINTIFF**

16. Plaintiff, Leyuzhen, is the owner of the Copyright Registration that protects the creative content of the copyrighted photographs. Plaintiff is a clothing producer that creates art in the form of copyrighted photographs of its fashion products. The photographs are not merely product shots, but creative works featuring artistic choices in composition, lighting, styling, and modeling poses that reflect creative expression. In every copyrighted photograph there is a common emphasis on the specific poses and angles. Plaintiff's passion for creating fashion designs is driven by a desire to design clothing that would not have existed otherwise

17. Plaintiff has expended substantial time, money, and other resources in developing, creating, photographing, advertising, and otherwise promoting the copyrighted photographs. As a result, products associated with the Plaintiff's copyrighted photographs are recognized by consumers, the public, and the trade as products authorized for sale by Plaintiff.

18. The copyrighted photographs were created by photographers employed or commissioned by Plaintiff, and the rights to these photographs were properly assigned to Plaintiff. Plaintiff registered these works with the U.S. Copyright Office prior to the commencement of the infringement alleged in this complaint, making Plaintiff eligible for statutory damages and attorney's fees

19. Plaintiff is the owner of the United States Copyright Registration that covers the Rotita Work. The Registration is valid, subsisting, and in full force and effect. A true and correct copy of the registration certificate for the Rotita Work is attached hereto as **Exhibit 1**.

20. In an effort to illegally profit from the creative content of the Rotita Work, Defendants have created numerous Defendant Internet Stores and have designed them to appear to be selling authorized Rotita Spring Summer 2021.

21. Plaintiff has invested substantial time, money, and effort in building up and developing consumer awareness, goodwill, and recognition in the Rotita Work..

22. The success of the Rotita Work is due in large part to Plaintiff's marketing, promotional, and distribution efforts.

23. As a result of Plaintiff's efforts, the quality of the Rotita Spring Summer 2021, the promotional efforts for Plaintiff's products and designs, and social media coverage, members of the public have become familiar with the Rotita Work and associate it exclusively with Plaintiff.

24. Plaintiff has made efforts to protect Plaintiff's interests in and to the copyrighted photographs. No one other than Plaintiff and Plaintiff's licensees are authorized to reproduce the copyrighted photographs in an effort to advertise, create competing products, offer for sale, or sell any competing goods utilizing the copyrighted photographs without the express written permission of Plaintiff.

### **THE DEFENDANTS**

25. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China 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 under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell competing products utilizing the use of the copyrighted photographs to consumers within the United States, including Illinois and in this judicial district through e-commerce web platforms, here specifically Alibaba.

**THE DEFENDANTS' UNLAWFUL CONDUCT**

26. The success of the Rotita Work has resulted in significant copying of the creative content protected by Plaintiff's copyright registration. 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 and, on information and belief, has sold and continues to sell competing products that violate Plaintiff's intellectual property rights in the Rotita Work ("Infringing Products") to consumers within the United States, including the State of Illinois.

27. Upon information and belief, Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine Rotita Spring Summer 2021 fashion wear through use of the copyrighted photographs.

28. The Defendant Internet Stores intentionally conceal their identities and the full scope of their piracy operations in an effort to deter Plaintiff from learning Defendants' true identities and the exact interworking of Defendants' illegal operations. Through their operation of the Defendant Internet Stores, Defendants are directly and personally contributing to, inducing, and engaging in the sale of competing Products as alleged, often times as partners, co-conspirators, and/or suppliers. Upon information and belief, Defendants are an interrelated group of infringers working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell competing Products promoted by the use of Plaintiff's copyrighted photographs.

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

30. 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 regularly create new 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 Defendant Internet Store 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.

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

32. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online infringers use a variety of other common tactics to evade enforcement efforts. For example, infringers like Defendants will often register new online marketplace accounts under new aliases once they receive notice of a lawsuit. Infringers also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2021 U.S. Customs and Border Protection report on seizure statistics indicated that e-commerce sales accounted for 13.3% of total retail sales with second quarter of 2021 retail ecommerce sales estimated at \$222.5 billion. U.S. Customs and Border Protection, Intellectual Property Right Seizure Statistics, FY 2021 (<https://www.cbp.gov/sites/default/files/assets/documents/2022-Sep/202994%20%20FY%202021%20IPR%20Seizure%20Statistics%20BOOK.5%20%20FINAL%20%28508%29.pdf>) at 23. A true and

correct copy of CBP's FY 2021 report is attached hereto as **Exhibit 5**. In FY 2021, there were 213 million express mail shipments and 94 million international mail shipments. *Id.* Nearly 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* at 27. The "overwhelming volume of small packages also makes CBP's ability to identify and interdict high risk packages difficult." *Id.* at 23.

33. Further, infringers such as Defendants, typically operate multiple credit card merchant accounts and third-party accounts, such as PayPal, Inc. ("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, such as China-based bank accounts, outside the jurisdiction of this Court.

34. Defendants, without any authorization or license, have knowingly and willfully pirated Plaintiff's Rotita copyrighted photographs in connection with the advertisement, distribution, offering for sale, and sale of competing products into the United States and Illinois over the Internet. Each Defendant Internet Store offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has offered to sell Infringing Products into the United States, including Illinois.

35. The specific manner in which Defendants misappropriate Plaintiff's copyrighted photographs includes: a) Directly copying the photographs from Plaintiff's website; b) Using Plaintiff's photographs to advertise competing products that are not the same as those shown in the photographs; c) Modifying Plaintiff's photographs slightly while retaining all substantial creative

elements; and d) Using Plaintiff's photographs in online listings to create the false impression that their products are affiliated with or approved by Plaintiff.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

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

37. The Rotita copyrighted photographs have significant value and have been produced and created at considerable expense.

38. At all relevant times, Plaintiff has been the holder of the pertinent exclusive rights infringed by Defendants, as alleged hereunder, including but not limited to the Rotita copyrighted photographs, including derivative works. The Rotita copyrighted photographs are the subject of a valid Copyright Registration Certificate issued by the Register of Copyrights. **Exhibit 1.**

39. Each Defendant, without the permission or consent of Plaintiff, has, and continues to sell online pirated competing works of the copyrighted Rotita photographs. Each Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under the Copyright Act (17 U.S.C. §101 et seq.).

40. The foregoing acts of infringement constitute a collective enterprise of shared, overlapping facts and have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiff.

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

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

43. Plaintiff is further entitled to enhanced damages for willful infringement, as Defendants knew or should have known that their actions constituted copyright infringement and proceeded with their infringing activities despite this knowledge.

**COUNT II**  
**VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT**

44. Plaintiff repeats, realleges and incorporates by reference herein its allegations contained in paragraphs 1 through 41, above.

45. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their online pirated derivative works of the copyrighted Rotita photographs thereby causing a likelihood of confusion and/or misunderstanding as to the source of their goods, causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine Rotita Brand products, falsely representing that Defendants' products have Plaintiff's authorization when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

46. Moreover, Defendants have used, without authorization, Plaintiff's Copyright Protected Images in promoting Defendants' online stores by displaying them in connection with offering for sale non-Rotita/inferior products by deceiving consumers into believing said products are authentic Rotita Brand products.

47. The foregoing acts of Defendants constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1, et seq.

48. Plaintiff is entitled to the recovery of damages and attorneys' fees as authorized by statute.

49. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to its Rotita Brand's reputation and goodwill. Unless enjoined by the Court, Plaintiff will continue to suffer future irreparable harm as a direct result of Defendants' unlawful activities.

**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 Rotita copyrighted photographs or any reproductions, 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 associated with the unauthorized reproduction of Rotita's copyrighted photographs;
  - b. Further infringing the Rotita copyrighted photographs and damaging Plaintiff's goodwill;
  - c. Shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory sold in connection with the unauthorized use of Plaintiff's copyrighted photographs;
  - d. 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 products or inventory in connection with unauthorized use of Plaintiff's photographs;

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 of products sold in connection with the unauthorized use of Plaintiff's photographs, 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 products and the unauthorized use of Plaintiff's copyrighted photographs;
  - 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 copyright 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. For an order pursuant to 17 U.S.C. § 503 providing for the seizure, impoundment, and destruction of all infringing copies of Plaintiff's copyrighted photographs used to produce, display, or promote infringing products by Defendants;

6. That Defendants, to the extent not enjoined for violation of the Copyright Act, be temporarily, preliminarily, and permanently enjoined under 815 ILCS § 510/1, et seq.;
7. That Plaintiff be awarded attorneys' fees and costs damages as authorized by statute under 815 ILCS § 510/1, et seq.;
8. That Plaintiff be awarded Plaintiff's reasonable attorneys' fees and costs under 17 U.S.C. § 505;
9. That Plaintiff be awarded enhanced damages for willful copyright infringement; and
10. Award any and all other relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff also demands a trial by jury of all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Dated: April 28, 2025

Respectfully Submitted

By: /s/ Katherine M. Kuhn  
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