

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

VICTORIA YANUSHEVSKAYA,

Plaintiff,

v.

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

Defendants.

Civil Action No. 25-cv-8690

COMPLAINT

Plaintiff, Victoria Yanushevskaya (“Plaintiff” or “Ms. Yanushevskaya”), by and through her undersigned counsel, hereby files this Complaint against the entities identified on Schedule A hereto (collectively, “Defendants”). Plaintiff files this action to combat online infringers who trade upon Plaintiff’s reputation and goodwill by selling and/or offering for sale unauthorized, unlicensed and infringing versions of Plaintiff’s federally registered copyright-protected artwork (the “Infringing Products”). Defendants have willfully offered for sale, sold, and distributed the Infringing Products within this district and throughout the United States by operating e-commerce stores using their respective Store Names and Seller Names set forth on Schedule “A” hereto (collectively, the “Seller IDs”). As set forth below, Defendants, without authorization, are using Plaintiff’s copyrighted artwork (the “Copyrighted Work”) by, manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale and/or selling products bearing unlicensed and infringing versions of Plaintiff’s Copyrighted Work. Additionally, Defendants are liable for contributory infringement as they knowingly induce, cause, or materially

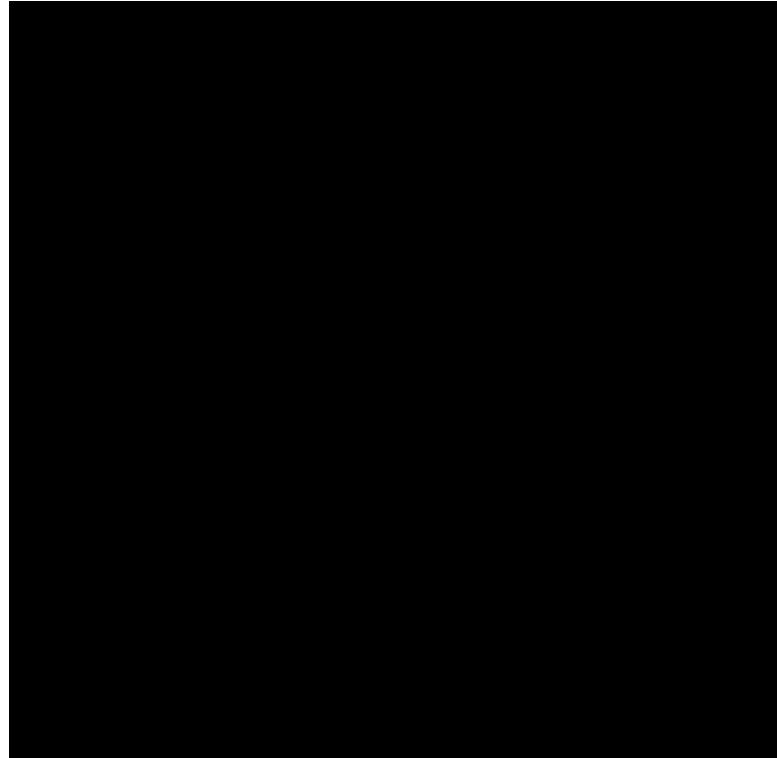
contribute to the infringing conduct of others by providing means and platforms for the sale and distribution of Infringing Products. Plaintiff is forced to file this action to combat Defendants' infringement of her copyright-protected work of visual art, as well as to protect unknowing consumers from purchasing the Infringing Products over the Internet. Plaintiff has been and continues to be irreparably harmed by Defendants' infringement of Plaintiff's copyright and, therefore, Plaintiff seeks injunctive relief to halt such infringement and irreparable harm. Plaintiff also seeks monetary relief for the injury she has sustained and is sustaining. In support thereof, Plaintiff states as follows:

NATURE OF THE ACTION

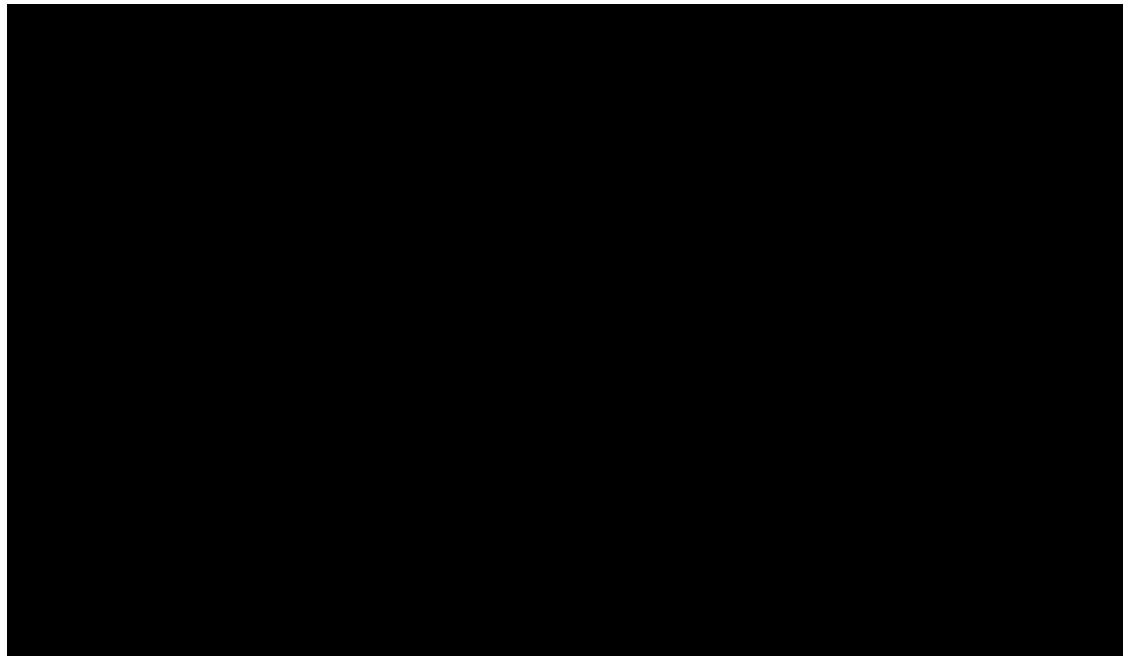
1. Victoria Yanushevskaya is an individual residing in the United Kingdom who owns at least one copyrighted work registered with the United States Copyright Office, which is asserted in this case. A copy of the Copyrighted Work is attached as **Exhibit 1**.
2. The Copyrighted Work was originally created by Ms. Yanushevskaya on February 3, 2021. Ms. Yanushevskaya is an artist who creates digital artworks published predominantly on her shutterstock.com profile, many of which are very popular and have been licensed numerous times for non-commercial use.¹ The Copyrighted Work was protected by having a watermark so that only authorized and licensed users can download the Copyright Work without the watermark, after entering specific user name and password to a user portal on shutterstock.com. These technological measures were implemented to prevent unauthorized use and download of the Copyrighted Work. The Copyrighted Work is identified on the Shutterstock website with a specific [REDACTED] associated with the author, which is the copyright management information

¹ <https://www.shutterstock.com/g/YANUSHEVSKAYA+VICTORIA>

("CMI") and known as a "gutter credit" as a common practice. The image ID is specific to the author and not shared with any other authors.



3. Some of Ms. Yanushevskaya's other popular works are included below:



4. Ms. Yanushevskaya recently became aware that many online storefronts were using her designs without a license and became determined to combat such infringing use.

5. Ms. Yanushevskaya conducted an internet inquiry and discovered that the Defendants were selling products that were displayed or advertised alongside the Copyrighted Work, despite having no license or authorization to use the Copyrighted Work with or on their products.

6. Many Defendants' Infringing Products are cheaply produced and inferior to Plaintiff's standard, and most importantly, were produced using reproduced versions of her Copyrighted Work without any permission or license. The Infringing Products threaten to destroy Plaintiff's reputation and goodwill and cause significant harm to Plaintiff's business for which there is no adequate remedy because advertising, sales, and licensing of her works is the core of Plaintiff's business.

7. On information and belief, Defendants' infringing activities of offering for sale and selling Infringing Products arise from the same transaction, occurrence, or series of transactions. Specifically, on information and belief, Defendants are actively participating in a conspiracy to distribute and sell Infringing Products to United States consumers. Further, Defendants, on information and belief, are working together to manufacture, arrange the manufacture of and/or sell and otherwise distribute the Infringing Products. Moreover, the Infringing Products and their corresponding listings share similar characteristics suggestive of common ownership or scheme.

8. On information and belief, Defendants intentionally and knowingly circumvented the technological protection measures and removed or altered the watermark and the CMI in violation of 17 U.S.C. § 1201(a)(1) and § 1202(b).

9. Plaintiff therefore brings this action for federal copyright infringement pursuant to 17 U.S.C. § 501(a), et seq, and for violation of Digital Millennium Copyright Act (DMCA) (17 U.S.C. § 1201 (a)(1) and 17 U.S.C. § 1202 (b)).

JURISDICTION AND VENUE

10. This Court has original subject matter jurisdiction over this action pursuant 28 U.S.C. §§ 1331 and 1338 because the claims in this action are brought under the Copyright Act, 17 U.S.C. § 101, et seq, and the Digital Millennium Copyright Act (DMCA) (17 U.S.C. § 1201 (a)(1) and 17 U.S.C. § 1202 (b)).

Personal Jurisdiction

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants. Each of the Defendants directly targets business activities toward consumers in the United States, including Illinois, through their operation of, or assistance in the operation of, the fully interactive, commercial Internet Stores operating under the online marketplace accounts identified in Schedule A attached hereto (collectively, the “Seller IDs”).

12. Specifically, each of the Defendants are directly reaching out to do business with Illinois residents by operating, or assisting in the operation of, one or more commercial, interactive e-commerce stores that sell products directly to Illinois consumers that incorporate infringing and counterfeit versions of Plaintiff’s federally registered copyright-protected work. In short, 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.

13. Alternatively, Federal Rule of Civil Procedure 4(k) confers personal jurisdiction over the Defendants because, upon information and belief, Defendants regularly conduct, transact

and/or solicit business in Illinois and in this judicial district, and/or derive substantial revenue from their business transactions in Illinois and in this judicial district and/or otherwise avail themselves of the privileges and protections of the laws of the state of Illinois such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' illegal infringing actions caused injury to Plaintiff in Illinois and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Illinois and in this judicial district.

14. Upon Information and belief, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the United States, including Illinois, through on-line platforms and storefronts, via on-line marketplace websites such as Amazon.com, Temu.com, Shein.com, Walmart.com, and others (the "Third-Party Platforms"), under the Seller IDs, as well as any and all as yet undiscovered accounts with online storefronts held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them, through which consumers in the United States, including Illinois, can view the one or more of Defendants' online storefronts that each Defendant operates, uses to communicate with Defendants regarding their listings for Infringing Products and to place orders for, receive invoices for and purchase Infringing Products for delivery in the U.S., including Illinois, as a means for establishing regular business with the U.S., including Illinois.

15. Upon information and belief, Defendants are sophisticated sellers, operating one or more commercial businesses using their respective storefronts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert of participation with any of them, operate storefronts to manufacture, import, export, advertise, market, promote, distribute, offer for sale and/or otherwise deal in products, including the Infringing Products, which

are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them in wholesale quantities at significantly below-market prices to consumers worldwide, including to those in the U.S., and specifically Illinois.

16. Upon information and belief, all Defendants accept payment in U.S. Dollars, collect and pay Illinois sales tax, and offer shipping to the U.S., including to Illinois.

17. Defendants have transacted business with consumers located in the U.S., including Illinois, for the sale and shipment of the Infringing Products.

18. Plaintiff also licenses her Copyrighted Work through authorized distributors and third parties via the Internet for sale in the United States, including Illinois.

19. Upon information and belief, Defendants are deliberately employing and benefiting from coordinated paid advertising and marketing strategies in order to make their storefronts selling illegal goods appear more relevant and attractive to search result software across an array of queries.

20. By their actions, Defendants are causing concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff of its right to fairly compete for space within the various on-line marketplace search results, reducing the visibility of genuine Plaintiff's products on various on-line marketplaces, and diluting and driving down the retail market price for Plaintiff's products (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's works and goods; and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand and products.

21. Defendants are concurrently targeting their infringing activities toward consumers and causing harm in Illinois.

22. Upon information and belief, many Defendants reside and/or operate in and/or purchase the illegal goods from foreign jurisdictions with lax or nonexistent intellectual property enforcement systems.

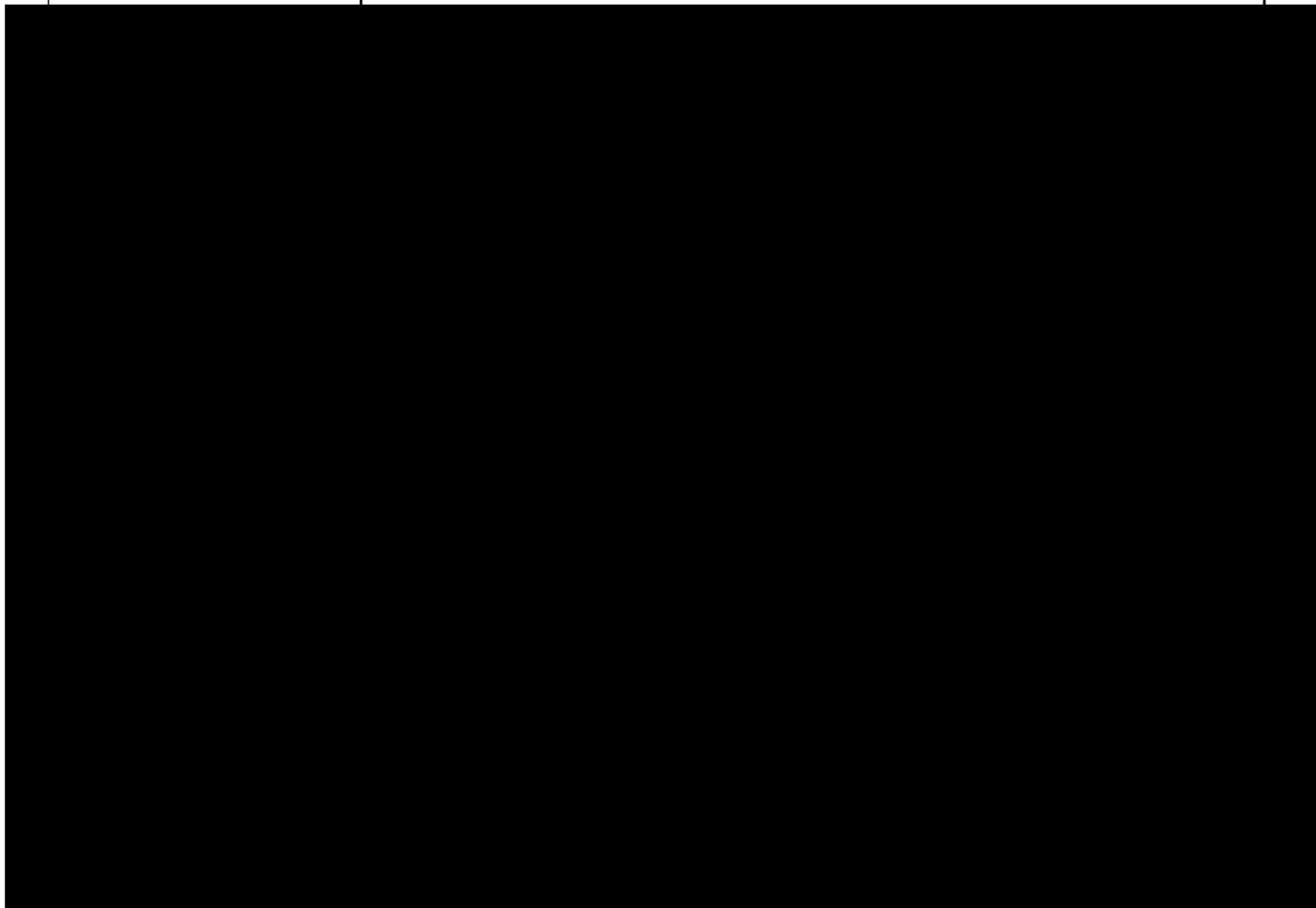
23. Upon information and belief, Defendants are aware of Plaintiff's products and are aware that their illegal infringing actions alleged herein are likely to cause injury to Plaintiff in the United States, in Illinois and in this judicial district specifically, as Plaintiff conducts substantial business in Illinois.

Venue

24. Venue is proper under 28 U.S.C. § 1391(b)(2) which authorizes civil action to be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

25. Select screenshots of Plaintiff's evidence demonstrates that Defendants were and are offering for sale and/or selling Infringing Products to the United States, including Illinois, is included in the table below:

Seller ID and Doe #	Evidence



Seller ID and Doe #	Evidence

Seller ID and Doe #	Evidence

26. Each Defendant's offering of Infringing Products for sale within this forum is a substantial part of Plaintiff's claims and establishes a proper venue in this district.

27. Venue in this district is further justified by 28 U.S.C. § 1391(b)(3) and 28 U.S.C. § 1391(c)(3). Section 1391(b)(3) states “if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action” is an appropriate venue.

28. In addition to being subject to personal jurisdiction before this Court arising from their tortious acts within the forum, Defendants are foreign companies who do not reside in any other United States judicial district, as provided for in Section 1391(b)(1); meaning that if the Court rejects Plaintiff’s claims of substantiality, venue is not otherwise provided for under Section 1391(b) and is appropriate here as this Court has personal jurisdiction over Defendants.

29. Accordingly, venue is proper before this Court either because a substantial part of events giving rise to Plaintiff’s claims occurred in the district, or else because Defendants do not reside in any State and are subject to this Court’s exercise of personal jurisdiction, or else because Defendants are nonresidents of the United States.

30. For the reasons stated above, venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants.

THE PARTIES

Plaintiff Victoria Yanushevskaya

31. Ms. Yanushevskaya is an individual who resides in the United Kingdom.

32. Ms. Yanushevskaya is an artist who creates digital works that she publishes through her shutterstock.com webpage. Ms. Yanushevskaya is the owner of all rights, title, and interest in several copyrighted designs which have been registered with the U.S. Copyright Office, one of which is asserted in this action (Plaintiff’s "Copyrighted Work"). The Certificate of Registration for Plaintiff’s Copyrighted Work will be filed under seal with the Court’s permission as Exhibit 1.

33. The Copyrighted Work is licensed to others for use on, among others, textiles and household products (“Plaintiff’s Products”) through authorized on-line retail channels, with the potential to receive hundreds of thousands to millions of dollars annually as Ms. Yanushevskaya has more than eleven years of art design experience and many of her works, including the Copyrighted Work, have gained great popularity on the market.

34. Among the exclusive rights granted to Plaintiff under the Copyright Act are the exclusive rights to reproduce, prepare derivative Work of, distribute copies of, and publicly display Plaintiff’s Copyrighted Work.

35. Plaintiff plans to expand the manufacturing and sales of the products featuring her copyrighted works, including the Copyrighted Work asserted in this case. Plaintiff also licenses her works to other manufacturers who will be using the designs on various products.

36. Plaintiff widely advertises and promotes Plaintiff’s Copyrighted Work via the Internet. Over the past several years, visibility on the Internet, particularly via the Third Party Platforms, has become increasingly important to Plaintiff’s overall marketing. Thus, Plaintiff and her authorized distributors will be expending significant monetary resources on Internet marketing, including search engine optimization (“SEO”) strategies. Those strategies allow Plaintiff and her authorized retailers to educate consumers fairly and legitimately about the value associated with genuine Plaintiff’s products. Similarly, Defendants’ individual Seller IDs are indexed on the Third Party Platforms and compete directly with Plaintiff for space in the search results, resulting in a flooding of the market with Infringing Products and irreparably harming Plaintiff and her business.

The Defendants

37. Defendants are individuals and business entities who, upon information and belief, reside and/or operate the Defendant Internet Stores in the People’s Republic of China and other

foreign jurisdictions with lenient trademark enforcement systems or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants conduct business or assist in business conducted throughout the United States (including within the State of Illinois and this Judicial District) through the manufacturing, online advertising and offering for sale, and importation and distribution of products that incorporate counterfeit and infringing versions of Plaintiff's Copyrighted Work. Defendants conduct business, or assist in business conducted, throughout the United States (including within the State of Illinois and this Judicial District) through the public display, online advertising and selling, and importation and distribution, of items that incorporate counterfeit and otherwise infringing versions of Plaintiff's Copyrighted Work. Each Defendant has targeted Illinois by offering to sell and selling, or knowingly assisting in selling or offering to sell, the Infringing Products to Illinois consumers through various online retail platforms.

38. Defendants appear to be an interrelated group of counterfeiters and infringers, who create the Defendant Internet Stores on various third-party online platforms and design these stores to appear to use genuine versions of Plaintiff's Copyright Work, while they actually sell inferior counterfeit imitations of Plaintiff's Products. The Defendant Internet Stores share unique identifiers, such as common design elements, the same or similar Infringing Products they offer for sale, product descriptions, shopping cart platforms, and accepted payment methods. They also use the same or similar check-out methods, absent or fake contact information, identically priced or similarly priced Infringing Products and volume sales discounts. These numerous similarities establish a logical relationship between Defendants and show the likelihood that their illegal operations arise out of the same transaction or occurrence. These tactics used by Defendants to conceal their identities, and the full scope of their counterfeiting operation, make it virtually

impossible for Plaintiff to learn the precise scope and the exact interworking of their counterfeit network. Should Defendants provide additional credible information regarding their identities, which they are required to present as part of their defense, Plaintiff will amend the Complaint accordingly. Furthermore, Defendants are not eligible for any safe harbor provisions under the Digital Millennium Copyright Act (DMCA) or other relevant laws, as they directly engage in and profit from the creation, promotion, and sale of Infringing Products, rather than acting as mere service providers or intermediaries as defined in 17 U.S.C. § 512.

DEFENDANTS' UNLAWFUL CONDUCT

39. Plaintiff's business success has resulted in significant counterfeiting and other infringement of Plaintiff's Copyrighted Work. Consequently, Plaintiff maintains an anti-counterfeiting program and investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. Plaintiff has identified fully interactive e-commerce stores, including the Defendant Internet Stores, offering for sale and/or selling Infringing Products to consumers in this Judicial District and throughout the United States. Based on Plaintiff's investigation, it is estimated that Defendants have sold at least dozens of varying types of Infringing Products, with an unknown total retail value. These Infringing Products have been distributed to customers across states in the U.S., severely impacting the market for Plaintiff's genuine products.

40. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price ("MSRP") of goods seized by the U.S. government in fiscal year 2023 was over \$2.7 billion. (See Exhibit 2 at 2). Internet websites like the Defendant Internet Stores are also estimated to contribute

to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year. (See Exhibit 3 at 8).

41. E-commerce retail platforms such as those used by Defendants do not subject new sellers to verification and confirmation of their addresses and identities, thus allowing infringers to extensively use false names and addresses when registering with these e-commerce retail platforms and open multiple Defendant Internet Stores in attempts to avoid detection.

42. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Defendant Internet Store aliases identified Schedule A attached hereto, offering shipping to the United States, including Illinois, accepting payment in U.S. dollars and, on information and belief, having sold Infringing Products to residents of Illinois.

43. As stated above, Defendants employ and benefit from substantially similar advertising and marketing strategies. Defendants facilitate sales by designing Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. Defendant Internet Stores appear sophisticated and accept payment in U.S. dollars via credit cards, Amazon Pay, Western Union, PayPal, and other reputable payment platforms. Defendant Internet Stores often include content and images that make it exceedingly difficult for consumers to distinguish such stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to copy, distribute, or publicly display Plaintiff's Copyrighted Work, and none of the Defendants are authorized retailers of genuine versions of Plaintiff's Products.

44. Upon information and belief, Defendants have engaged in fraudulent conduct when registering the Defendant Internet Stores by providing false, misleading, and/or incomplete information to e-commerce platforms. Upon information and belief, certain Defendants have

anonymously registered and maintained aliases to prevent discovery of their true identities and the scope of their e-commerce operation.

45. Upon information and belief, Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Infringing Products on e-commerce platforms such as Amazon, Walmart, eBay, Temu, and others. Such seller alias registration patterns are one of many common tactics used by Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

46. Even though operating under multiple fictitious aliases, unauthorized on-line retailers such as the Defendant Internet Stores often share unique identifiers, such as templates with common design elements that intentionally omit any contact information or other identifying information and likewise omit other seller aliases that they use. Further, such unauthorized retailers include other notable common features on their internet stores such as use of the same registration patterns, accepted payment methods, check-out methods, keywords, similarities in price and quantities, and/or the use of the same text and images. The counterfeit products offered for sale by unauthorized retailers such as the Defendant Internet Stores often bear irregularities and indicia of being counterfeit that are similar to one another, suggesting that the Infringing Products were manufactured by and come from a common source and that these unauthorized retailers are interrelated. Furthermore, as shown in Schedule A attached hereto, the Defendant Internet Stores listed therein use the same alias name, further indicating that the Defendant Internet Stores are interrelated.

47. Groups of counterfeiters such as Defendants here are typically in communication with each other. They regularly participate in WeChat chat rooms, and communicate through

websites such as sellerdefense.cn and kuajingvs.com, where they discuss tactics for operating multiple accounts, evading detection, pending litigation, and new lawsuits. See Exhibit 4.

48. Counterfeitors such as Defendants commonly operate under multiple seller aliases and payment accounts so that they can continue operation despite enforcement efforts. Analysis of financial account transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-based financial accounts to offshore accounts outside the jurisdiction of this Court. Further analysis of similar cases in this District shows that defendants often sweep their accounts in case their infringing activities are detected, and their accounts are frozen, at which time defendants may settle for small amounts to regain access to the remaining funds or abandon their stores altogether and start fresh with a new alias. Here, on information and belief, Defendants maintain offshore bank accounts and regularly move funds from their financial accounts that are associated with the activity complained of herein to such offshore accounts based outside of the jurisdiction of this Court. On information and belief, Defendants undertake such activity in an attempt to avoid payment of any monetary judgment awarded based on their counterfeiting and other infringement of intellectual property rights.

49. 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. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use illicit copies of Plaintiff's Copyrighted Work in connection with the reproduction, public display, advertisement, distribution, offering for sale, and sale of Infringing Products into the United States, including Illinois, over the Internet. Given the sophisticated nature of Defendants' operations and their extensive use of e-commerce platforms,

Defendants have the ability and means to comply with copyright laws but have chosen not to do so, further demonstrating the willful nature of their infringement.

50. Defendants operate at least the online marketplace accounts identified in Schedule A and engage in the unauthorized reproduction, public display, and distribution of Plaintiff's Copyrighted Work and/or works substantially similar thereto.

51. Defendants' unauthorized reproduction, distribution, and public display of Plaintiff's Copyrighted Work is irreparably harming Plaintiff.

JOINDER OF DEFENDANTS

52. Defendants appear to be an interrelated group of infringers, who create numerous Seller IDs and design these stores to appear to be selling genuine versions of Plaintiff's products, while they are actually selling inferior, unauthorized imitations of Plaintiff's products.

53. The Seller IDs share unique identifiers, such as the following: common design elements, the same or similar infringing products that they offer for sale, similar infringing product descriptions, the same or substantially similar shopping cart platforms, the same accepted payment methods, the same check-out methods, the same dearth of contact information, and identically or similarly priced infringing products and volume sales discounts. The foregoing similarities establish a logical relationship between them and suggest that Defendants' illegal operations arise out of the same series of transactions or occurrences.

54. The Infringing Products offered for sale by unauthorized retailers such as the Seller IDs often bear irregularities and indicia of being unauthorized that are similar to one another, suggesting that the Infringing Products were manufactured by and come from a common source and that these unauthorized retailers are interrelated.

55. Analysis of financial account transaction logs from previous similar cases indicates that offshore infringers regularly move funds from U.S.-based financial accounts to offshore accounts outside the jurisdiction of the U.S. and this Court. Further analysis of similar cases shows that defendants often sweep their accounts in case their infringing activities are detected, and their accounts are frozen, at which time defendants may settle for small amounts to regain access to the remaining funds or abandon their stores altogether and start fresh with a new alias.

56. Here, on information and belief, Defendants maintain offshore bank accounts and regularly move funds from their financial accounts that are associated with the activity complained of herein to such offshore accounts based outside of the jurisdiction of this Court. On information and belief, Defendants undertake such activity in an attempt to avoid payment of any monetary judgment awarded based on their infringement of intellectual property rights.

57. These tactics used by Defendants to conceal their identities and the full scope of their infringing operations make it almost impossible for Plaintiff to learn the precise scope and the exact interworking of their illegal network. In the event that Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

COUNT I
COPYRIGHT INFRINGEMENT (17 U.S.C. § 101 *et seq.*)

58. Plaintiff re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 24 above.

59. Plaintiff's Copyrighted Work constitutes a creative, original work of authorship, fixed in a tangible medium of expression, and protectable under U.S. copyright law. See 17 U.S.C.

§ 102. Plaintiff hereby verifies that the Copyrighted Work is entirely original and not derived from any other copyrighted work without permission.

60. Plaintiff is the owner of valid and enforceable copyright in Plaintiff's Copyrighted Work.

61. Plaintiff has fully complied with all registration requirements under 17 U.S.C. § 411(a).

62. Plaintiff's Copyrighted Works and has obtained valid copyright registration for Plaintiff's Copyrighted Work. The copyright registration was filed and received by the Copyright Office on September 15, 2024, which precedes the date of the alleged infringement, thereby entitling Plaintiff to seek statutory damages and attorney's fees pursuant to 17 U.S.C. § 412.

63. Defendants do not have any ownership interest in Plaintiff's Copyrighted Work.

64. Defendants had access to the Plaintiff's Copyrighted Work via the internet and, upon information and belief, had prior knowledge of Plaintiff's copyright before engaging in the infringing activities described herein.

65. Without authorization from Plaintiff, or any right under the law, Defendants have, inter alia, willfully copied, reproduced, publicly displayed, and distributed, products incorporating Plaintiff's Copyrighted Work, in connection with their operation of the Defendant Internet Stores.

66. Defendants' Infringing Products incorporate works that are virtually identical to and/or are substantially similar to Plaintiff's Copyrighted Work.

67. Defendants have, therefore, individually, as well as jointly and severally, infringed and continue to infringe Plaintiff's copyrights in Plaintiff's Copyrighted Work in violation of 17 U.S.C. § 501(a). See also 17 U.S.C. §§ 106(1), (3), (5).

68. Defendants reap the benefits of their unauthorized reproduction, public display, and distribution, of Plaintiff's Copyrighted Work through their receipt of substantial revenue, including substantial profit, driven by sales of their Infringing Products.

69. Defendants have unlawfully appropriated Plaintiff's protectable expression by taking material of substance and value and creating Infringing Products that include Plaintiff's Copyrighted Work.

70. Defendants' infringement has been willful, intentional, malicious, and purposeful, and in reckless disregard of, and with deliberate indifference to, Plaintiff's rights. Defendants' claims of ignorance regarding the infringement are demonstrably without merit, as evidenced by: (1) the widespread commercial success and recognition of Plaintiff's Copyrighted Work; (2) Defendants' sophisticated and systematic business operations; (3) Defendants' deliberate circumvention of technological protection measures; and (4) Defendants' coordinated efforts to conceal their infringing activities, making it implausible that Defendants were unaware of their unlawful conduct.

71. Defendants, by their actions, have caused financial injury to Plaintiff in an amount to be determined at trial.

72. Defendants' conduct is causing, and unless enjoined and restrained by this Court will continue to cause, Plaintiff irreparable injury that cannot fully be compensated for or measured monetarily. Plaintiff has no adequate remedy at law for such injury.

73. Considering the foregoing, and as contemplated by 17 U.S.C. § 502, Plaintiff seeks temporary, preliminary, and permanent injunctive relief prohibiting further infringement of Plaintiff's copyrights by Defendants.

COUNT II
VIOLATION OF DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA)
(17 U.S.C. § 1201 (a)(1) and 17 U.S.C. § 1202 (b))

74. Plaintiff re-alleges and incorporates by reference the allegations set forth in the paragraphs above.

75. 17 U.S.C. § 1201(a)(1) prohibits anyone from circumventing a technological measure that effectively controls access to a work protected under this title.

76. Plaintiff implemented technological measures controlling access to the Copyrighted Work, including but not limited to specific user registration requirements, payment verification systems, password protection, and digital watermarking. Defendants willfully circumvented these technological protection measures and gained unauthorized access to Plaintiff's Copyrighted Work, bypassed the technological barriers, and removed or altered the digital watermark in violation of 17 U.S.C. § 1201(a)(1).

77. 17 U.S.C. § 1202(b) prohibits any person or entity from intentionally removing or altering any copyright management information, distributing or importing for distribution copyright management information knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, or distributing, importing for distribution, or publicly performing works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law, knowing, or, with respect to civil remedies under 17 U.S.C. § 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right protected under that title.

78. To establish a claim for removal of CMI, a plaintiff must demonstrate: (1) the existence of CMI on the work at issue; (2) removal and/or alteration of that information; and (3)

that the removal and/or alteration was done intentionally. *Sadowski v. Ng*, 2022 U.S. Dist. LEXIS 46315, at *23 (S.D.N.Y. Mar. 15, 2022).

79. Information, including photo credits, that appear near a copy of a work constitutes CMI. *Gwinn v. City of Chi.*, No. 23 CV 1823, 2025 U.S. Dist. LEXIS 60499, at *17 (N.D. Ill. Mar. 31, 2025). Gutter credit printed in a smaller type and running perpendicular to the relevant image on the page is CMI whose alteration would constitute a violation of these statutes. *Id.*; see also *Wood v. Observer Holdings, LLC*, No. 20-CV-7878, 2021 WL 2874100, at *6 (S.D.N.Y. July 8, 2021) (finding that a "credit line attribution" placed "below each of [] 13 photos constitutes CMI").

80. Upon belief and information, Defendants had reasonable grounds to know that removal of Plaintiff's gutter credit would induce, enable, facilitate, or conceal an infringement of Plaintiff's rights under 17 U.S.C. § 1202 (b), but still intentionally removed that CMI.

81. The Digital Millennium Copyright Act grants standing to the owner of a work regardless of whether the work has been copyrighted, meaning that standing to sue for CMI violations of a given work is transferred upon acquisition of that work. 17 U.S.C. § 1203.

82. Plaintiff has standing since she is the original author of the Copyrighted Work.

83. Defendants have violated at least 17 U.S.C. § 1201(a)(1) and 17 U.S.C. § 1202 and are liable to Plaintiff under 17 U.S.C. § 1203.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and entry of an Order directing as follows:

(1) Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert or participation with them be permanently enjoined and restrained from:

- (a) Reproducing, distributing, publicly displaying, and preparing derivative works based upon the Copyrighted Work;
- (b) making, using, offering to sell, selling, and importing any products not authorized by Plaintiff that include any reproduction, copy, or colorable imitation of the Copyrighted Work;
- (c) effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth herein; and
- (d) aiding, abetting, contributing to, or otherwise assisting anyone in infringing Plaintiff's copyright in Plaintiff's Copyrighted Work.

(2) Directing that Defendants deliver for destruction all products not authorized by Plaintiff that include any reproduction, copy, or colorable imitation of the Copyrighted Work.

(3) Entering an Order that all banks, savings and loan associations, other financial institutions, payment processors, on-line marketplaces, and other third-parties who are in active concert or participation with Defendants, shall, within two (2) business days of receipt of an Order entered by this Court:

- (a) Locate all accounts connected to Defendants;
- (b) Restrain and enjoin such accounts from transferring or disposing of any money or other of Defendants' assets; and
- (c) Transfer to Plaintiff all funds restrained in such accounts up to the amount of any monetary relief awarded to Plaintiff by this Court within ten (10) business days of receipt of such Order.

(4) Entering an Order that, until Plaintiff has recovered full payment of all monies owed to her by Defendants, in the event that any new financial accounts controlled or operated by Defendants are identified, Plaintiff shall have the ongoing authority to direct any banks, savings and loan associations, other financial institutions, payment processors, and on-line marketplaces, with whom such newly identified accounts are maintained, to carry out the following activity:

- (a) Locate all accounts connected to Defendants;
- (b) Restrain and enjoin such accounts from transferring or disposing of any money or other of Defendants' assets; and
- (c) Transfer any funds restrained in such accounts to Plaintiff within ten (10) business days of receipt of this Order.

(5) Awarding Plaintiff statutory damages based on Defendants' willful copyright infringement, pursuant to 17 U.S.C. § 504(c)(2), in an amount of \$150,000 per infringed work, per Defendant;

(6) Awarding Plaintiff statutory damages based on Defendants' willful violation of the DMCA under 17 U.S.C. § 1201 (a)(1), pursuant to 17 U.S.C. § 1203 (c)(3)(A), in an amount up to \$2,500 but no less than \$200 per infringement act, per Defendant, or such other amount as the Court deems just and proper;

(7) Awarding Plaintiff statutory damages based on Defendants' willful violation of the DMCA under 17 U.S.C. § 1202 (b)), pursuant to 17 U.S.C. § 1203 (c)(3)(B), in an amount up to \$25,000 but no less than \$2,500 per infringement act, per Defendant, or such other amount as the Court deems just and proper;

(8) Alternatively, should the Court not award Plaintiff statutory damages, that Defendants be ordered to pay to Plaintiff all actual damages sustained by Plaintiff as a result of

Defendants' infringement, including lost profits, reputational harm, and diminution in value of the Copyrighted Work, said amount to be determined at trial; and that Defendants provide a full accounting and pay to Plaintiff all profits, revenues, and benefits realized by Defendants by reason of Defendants' infringement of Plaintiff's copyright in Plaintiff's Copyrighted Work as complained of herein, to the extent not already accounted for in the above-referenced assessment of actual damages;

(9) Awarding Plaintiff her reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505 and 17 U.S.C. § 1203(b); and

(10) Awarding Plaintiff any and all other relief that this Court deems just and proper.

Date: July 25, 2025

Respectfully submitted,

By: /s/ Keaton Smith
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