

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

XYZ CORPORATION,

Plaintiff,

v.

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

Defendants.

Case No.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, [REDACTED] also identified as XYZ Corporation in its initial pleadings (“Plaintiff”), hereby files its Complaint for damages and injunction relief for copyright infringement against the Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations identified on Schedule “A” hereto (collectively, the “Defendants”) attached as **Exhibit 1** and in support of its claims states as follows:

NATURE OF THE ACTION

1. Plaintiff is the owner of all rights, title, and interest in and to United States Copyright Registrations for specific photographic art. Plaintiff owns the federal copyright registration number for its original photographic images, [REDACTED] (the “Copyrighted Photo”) attached as **Exhibit 2**.

2. Plaintiff is a professional photographer who licenses its photographic works to clothing companies for commercial use in advertising and marketing.

3. Defendants are online storefronts (“Online Stores”) operating on the Temu Platform (the “Platform”), which have used Plaintiff’s Copyrighted Photo without authorization to promote and sell competing products.

4. Plaintiff has never licensed Defendants to use the Copyrighted Photo, nor are Defendants otherwise authorized to display the photo.

5. Defendants’ unlawful use of the Copyrighted Photo on the Temu Platform deprives Plaintiff of licensing revenue, undermines its ability to issue exclusive licenses, and causes irreparable harm to its livelihood and reputation.

6. Defendants, acting together, cause mass harm because the Plaintiff, an individual, loses its source of income and control over its Copyrighted Photo.

JURISDICTION AND VENUE

7. 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.

8. This Court may exercise personal jurisdiction over each Defendant because each Defendant directly targets business activities towards consumers in Illinois, through their Online Stores on the Platform, identified in Schedule “A” attached hereto as **Exhibit 1**.

9. Additionally, Defendants copied and now display the Plaintiff’s Copyrighted Photo without license or authorization to residents of Illinois through the Temu Platform.

10. Specifically, Defendants have targeted sales to the United States by operating these e-commerce stores, which cater to United States consumers, offer shipping to the United States, including Illinois, accept payment in U.S. dollars, and sell products using illicit copies of the Plaintiff’s federally registered copyrights.

11. Each Defendant is properly subject to jurisdiction in the United States. Each Defendant is a foreign entity with sufficient contacts here, as they systematically and commercially use Plaintiff's Copyrighted Photo for commercial purposes in this judicial district. This systematic exploitation in the United States of the Plaintiff's Copyrighted Photographic Art for commercial purposes makes it reasonably foreseeable that Defendants would be called to answer in a court within the United States, meaning that the exercise of jurisdiction in this Court complies with due process.

12. Venue is proper in this district under 28 U.S.C. § 1391 because Defendants are subject to this Court's personal jurisdiction and none of the Defendants, based on a pre-suit investigation, are residents of the United States. Each Defendant is engaged in infringing activities and causing harm within the Northern District of Illinois by displaying the Copyrighted Photo for commercial purposes within the district, and advertising, offering to sell, selling, and/or shipping products to consumers in this district. This Court is the proper jurisdiction and venue under Federal Rule of Civil Procedure 4(k).

THE PARTIES

Plaintiff

13. Plaintiff is an individual and the owner of the Copyrighted Photo, attached hereto as **Exhibit 2**.

14. Plaintiff owns all rights, including, without limitation, the rights to reproduce the Copyright in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending the protected works.

15. Plaintiff licenses its copyrighted photo to clothing suppliers so they can use them to market their products, which is how Plaintiff earns a living.

16. Plaintiff earns its livelihood by licensing its works, often through exclusive licenses to fashion brands.

17. The Plaintiff has issued exclusive licenses over the Copyrighted Photo involved in this suit.

18. Loss of exclusivity and control over the photo creates serious harm to the Plaintiff, who relies on limiting the availability of the Copyrighted Works to sustain their value.

19. Unauthorized use by Defendants destroys exclusivity, devalues the Copyrighted Photo, and diminishes future licensing opportunities.

20. Plaintiff has neither licensed nor authorized the Defendants to use the Copyright.

21. Plaintiff's main focus in its Copyrighted Photo is the photographing of articles of clothing that the licensees distribute.

22. Plaintiff allowing the continued distribution of the low-quality imitation clothing using the Plaintiff's artwork, by not enforcing licensing, devalues the artwork that the Plaintiff produces in two ways:

- a) prevents it from being used by the licensees of the artwork to make their high-quality products appear distinct; and
- b) shows future licensees that buying an exclusive license comes with no guarantee of exclusivity, which means it is not worth the purchase.

23. The Plaintiff's livelihood depends on the ability to control the licensing of his Copyrighted Photo, which the swarm of illicit actors makes incredibly difficult, while

simultaneously depreciating Plaintiff's Copyrighted art for every day that Plaintiff lacks control over it.

24. The Damage to Plaintiff of continued infringement is imminent, irreparable, and unquantifiable.

Defendants

25. Defendants are individuals and business entities of unknown corporate organization and/or structure, who own and/or operate one or more of the Online Stores on the Platform as identified on Schedule A.

26. It is believed that Defendants reside and/or operate in foreign jurisdictions outside the United States.

27. Defendants conduct business across the United States, including in this judicial district, through the operation of their Online Stores listed in Schedule A. They have offered to sell and have sold products using illicit copies of the Plaintiff's original Copyrighted Photo without permission. See **Exhibit 3** for links to infringing uses, and true and correct screenshots of the copying of Plaintiff's Photo of the copyright on each of the Defendants' Online Stores.

28. Most third-party online marketplace platforms, like the Temu Platform in this case, do not verify new sellers or confirm their identities. This allows infringers to use fake or inaccurate names, business details, and addresses when creating their online stores. These platforms also typically do not require sellers to reveal their actual business entities, enabling infringers to set up multiple profiles and stores that seem unrelated but are actually controlled by the same individuals.

DEFENDANTS' UNLAWFUL CONDUCT

29. The quality of Plaintiff's work and the brands it licenses its work to have attracted many illicit infringers who copy and display Plaintiff's Copyrighted Photo to sell cheap competing versions of some of the clothing depicted in its art.

30. Upon information and belief, Defendants are a connected group of infringers working together to knowingly and willfully use the Plaintiff's Copyrighted Photo without permission, to manufacture, import, distribute, offer for sale, and sell the clothing depicted within.

31. Upon information and belief, Defendants have had full knowledge of Plaintiff's ownership and authorship of the Copyrighted Photo.

32. Plaintiff has identified numerous stores on the Platform, including Defendants' online stores, which display Plaintiff's Copyrighted Photo.

33. Plaintiff seeks to shut down Defendants' Online Stores, where the Defendants display copies, they made of the Copyrighted Photo, without permission.

34. Fraudulent seller alias registration patterns are among the common tactics used by Internet store operators, such as the Defendants, to conceal their identities and the full extent of their illicit activities, and to avoid shutdown.

35. Operating under various seller aliases also creates the impression that the Defendants are multiple, separate entities when listed on a Schedule A enforcement action.

36. By making these seller aliases appear as unrelated entities, Defendants recognize they may cause a joinder issue in any multi-defendant enforcement case, thereby further avoiding liability.

37. Defendants' intentional tactic of hiding behind multiple seller aliases to obstruct enforcement aims to sustain illicit infringement activities.

38. Without joinder of each Defendant, the Defendants' illicit strategy to dodge liability will succeed because individual lawsuits are costly, time consuming, and burdensome for the courts.

39. Based on the above, each Defendant is joined in this case because it is highly probable that they are collaborating or are not separate entities, and they are listed separately only to continue their illegal activities without liability.

40. This conclusion is enhanced by the fact that Defendants use the Copyrighted Photo to sell the same clothing items, which they must produce at scale to compete with the authentic product on the market. It is unlikely that any single Defendant could sustain manufacturing at scale.

41. Due to the large number of infringers the Plaintiff faces, individual infringers can get lost in the swarm, especially since these Defendants can easily disappear and open new stores, making enforcement of the Plaintiff's Intellectual Property ("IP") against individual infringers impracticable.

42. Furthermore, infringers, like the Defendants and likely the Defendants, operate multiple credit card merchant accounts and third-party accounts, which are hidden behind layers of payment gateways, enabling them to continue their operations despite enforcement efforts.

43. Based on information and belief, Defendants maintain offshore bank accounts and regularly transfer funds from their Platform accounts to offshore banks outside this Court's jurisdiction, especially since it is believed that Defendants reside abroad.

44. The Defendants' Online Stores bear similarities and indicia of interrelatedness.

45. Notable features standard to Defendants' Online Stores includes a lack of contact information, the same or similar products for sale, identically or similarly priced items, sales

discounts, shared hosting service, identical name servers, and their common illicit infringement of Plaintiff's Original Works of the Copyrighted Photo.

46. Defendants' use of Plaintiff's intellectual property devalues the same by eliminating and/or diluting the exclusiveness of the licenses Plaintiff has issued.

47. Unless restrained temporarily, preliminarily, and permanently by this Court, the Defendants' infringing conduct will continue to cause irreparable harm to Plaintiff.

48. Upon information and belief, Defendants will continue to infringe Plaintiff's Copyrights for commercial purposes unless preliminarily and permanently enjoined.

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

49. Plaintiff repeats, realleges, and incorporates by reference herein its allegations contained in paragraphs 1 through 48, above.

50. Plaintiff's Copyrighted Photo has substantial value and was produced and created at significant expense.

51. Plaintiff owns all exclusive rights, including the rights to reproduce the Copyrighted Photo into copies, create derivative works based on the copyrighted photo, and to distribute copies of the copyrighted photo to the public through sale, transfer of ownership, rental, lease, or lending.

52. Defendants continue to use the Plaintiff's Copyrighted Photo to sell their goods in this and other judicial districts.

53. Defendants' unauthorized use of the Copyrighted Photo, for commercial purposes, on their Online Stores, constitutes copyright infringement.

54. On information and belief, the Defendants' infringing acts are willful, deliberate, and committed with prior notice and knowledge of the Copyrighted Photo.

55. Each Defendant either knew, or should have reasonably known, that the Copyrighted Photo was registered with the Copyright Office, as they did not create them and should have, at a minimum, checked before displaying them.

56. As a direct and proximate result of their unauthorized and infringing conduct, Defendants have obtained and continue to realize direct and indirect profits and other benefits rightfully belonging to Plaintiff, which Defendants would not otherwise have realized but for their infringement of Plaintiff's Copyrighted Photo.

57. The acts of infringement described above constitute a collective enterprise involving shared, conspiratorial, and overlapping actions done in coordination. These acts were willful, intentional, and performed with disregard for and indifference to the rights of the Plaintiff. Therefore, Defendants, and each of them, should be held jointly and severally liable.

58. Accordingly, Plaintiff seeks an award of damages under 17 U.S.C. § 504.

59. In addition to actual damages, Plaintiff is entitled to receive the profits made by the Defendants from their wrongful acts, under 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains, profits, and advantages derived by each Defendant from their acts of infringement.

60. In the alternative, Plaintiff is entitled to and may elect to choose statutory damages under 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

61. Plaintiff is entitled to and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by the Defendants of their infringing work.

62. Plaintiff had to hire and agree to compensate at a reasonable rate the undersigned firm; therefore, Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit under 17 U.S.C. § 505.

63. Plaintiff has no adequate remedy at law, and, if the Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation as an artist, because the lack of exclusivity over the Plaintiff's works will devalue its portfolio and future ability to license its work.

64. Reputational damage and the devaluation of one's future works cannot be remedied by monetary damages. Instead, they are irreparable injuries lacking adequate remedies at law, without an injunction.

65. Under 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further displaying the Plaintiff's Copyrighted Photo, ordering that each Defendant destroy all unauthorized copies, Defendants' copies, plates, and other embodiments of the copyrighted works from which copies can be reproduced, if any, should be impounded and forfeited to Plaintiff as instruments of infringement, and all infringing copies created by Defendants should be impounded and forfeited to Plaintiff, under 17 U.S.C §503.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants and each of them as follows:

1. That the Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

a. using Plaintiff's Copyrighted Photo or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not authorized by Plaintiff to be sold in connection with its registered copyrights;

b. further infringing the Copyrights and damaging Plaintiff's reputation and goodwill;

c. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendants' stores on the Defendants' Online Stores or the Platform, or any other domain name or online marketplace account that is being used to sell or is the means by which the Defendants could continue to conduct commercial activity using the Plaintiff's Copyrighted Photo; and

d. operating and/or hosting websites at the Defendants' Internet stores and any other domain names registered or operated by the Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product through the unauthorized use of the Copyright.

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

3. Entry of an Order that, upon Plaintiff's request, those in privity with the Defendants and those with notice of the injunction, including TikTok, AliExpress, Walmart, Amazon, DHgate, eBay, Temu, and Wish, social media platforms such as Facebook, YouTube, Instagram, TikTok, LinkedIn, X, Internet search engines such as Google, Bing and Yahoo, web

hosts for the Defendants' Online Stores, and domain name registrars ("Third Party Providers"), shall:

a. disable and cease providing services for any accounts through which the Defendants engage in commercial activity using the Plaintiff's Copyrighted Photo, including any accounts associated with the Defendants listed on Schedule A;

b. disable and cease displaying any advertisements used by or associated with Defendants that display the Copyrights; and

c. take all necessary steps to prevent links to the Defendants' Online Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to Defendants' domain names from any search index.

4. That the Defendants account for and pay to Plaintiff all profits realized by them through the unauthorized use of the Copyrighted Images

5. In the alternative, that Plaintiff be awarded statutory damages of not less than \$750 and not more than \$30,000 for every infringement of the Copyrights under 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by 17 U.S.C. § 504(c)(2) because of the Defendants' willful copyright infringement.

6. That Plaintiff be awarded its reasonable attorneys' fees and costs.

7. 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: October 16, 2025

Respectfully submitted,

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