

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

NATIONAL ASSOCIATION FOR STOCK CAR
AUTO RACING, LLC,

Plaintiff,

v.

THE ENTITIES AND INDIVIDUALS
OPERATING THE WEBSITE IN SCHEDULE
A HERETO,

Defendants.

Case No.: 1:25-cv-12952

COMPLAINT

Plaintiff, National Association for Stock Car Auto Racing, LLC (“NASCAR” or “Plaintiff”) brings this action against the entity(-ies) and individual(s) operating the website identified in Schedule A attached hereto (collectively, “Defendants”). In support of this Complaint, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051 et seq. and pursuant to 28 U.S.C. § 1338(a)–(b) and 28 U.S.C. § 1331.

2. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants, as each of the Defendants directly targets consumers in the United States, including in Illinois and in this District, through acts of counterfeiting and trademark infringement, as described herein.

4. Specifically, Defendants operate a website through which Defendants use counterfeit and/or infringing versions of NASCAR's registered trademarks to sell and offer for sale infringing products ("Infringing Products") to consumers in Illinois and in this District.

5. Defendants have committed tortious acts in Illinois, engaged in interstate commerce, and have wrongfully caused Plaintiff substantial injury in Illinois.

PLAINTIFF

6. NASCAR is a Florida limited liability company located at One Daytona Blvd., Daytona Beach, Florida 32114.

7. Founded in 1948, NASCAR is the foremost stock car and stock truck racing sanctioning body in North America. Each year, NASCAR sanctions over 1,500 races at over 100 tracks in 48 U.S. states, as well as in Canada, Mexico, Brazil, and Europe. Through its affiliates and partners (including its partner Fanatics, which operates the NASCAR Shop, depicted below), NASCAR sells, markets, designs, distributes, and licenses NASCAR-branded products worldwide.



<https://store.nascar.com/>

8. The United States Patent and Trademark Office has granted Plaintiff registrations for the NASCAR brand. These include U.S. Reg. Nos. 1,850,527; 1,908,112; 2,885,737; 4,289,440; 5,388,088; 5,578,788; 6,196,869; and 7,374,941 (collectively, the “NASCAR Trademarks”). *See* Exhibit 1.

9. As a result of Plaintiff’s substantial expenditures of time, money, and other resources developing, advertising, and otherwise promoting quality authorized products in association with the NASCAR Trademarks, products associated with the NASCAR Trademarks are recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff.

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

11. The above registrations are valid, well-known, subsisting and in full force, and serve as prima facie evidence of Plaintiff’s exclusive rights in and to the NASCAR Trademarks.

12. Additionally, the NASCAR Trademarks include registrations that have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065.

DEFENDANTS

13. Defendants operate a website through which Defendants use counterfeit and/or infringing versions of NASCAR’s registered trademarks to sell and offer for sale Infringing Products.

14. Defendants have taken measures to conceal their identity by, among other things, publishing what appears to be a fake business address, maintaining no public records or registered agent information that can be identified through public sources, and redacting and/or withholding domain name registrant information from public view. Thus, Defendants' true identities are presently unknown and unlikely to be known without discovery.

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

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

16. Plaintiff is the exclusive owner of the NASCAR Trademarks. The registrations for the NASCAR Trademarks (attached as Exhibit 1) are in full force and effect.

17. The NASCAR Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from authorized products provided under the NASCAR Trademarks.

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

19. Defendants have engaged in unauthorized uses in commerce of counterfeit imitations of the registered NASCAR Trademarks in connection with the sales, offers for sale, distribution, and/or advertising of Infringing Products.

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

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

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

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

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

25. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' infringement.

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

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

27. Defendants' promotion, advertising, marketing, offering for sale, and sale of Infringing Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of Defendants' products and/or business operations.

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

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

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

COUNT III
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510, et seq.)

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

32. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their Infringing Products as those of Plaintiff, 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 products, representing that their products have Plaintiff's approval when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

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

34. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to its reputation and goodwill. Unless enjoined by the Court, Plaintiff will 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, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

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

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

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

d. further infringing Plaintiff's NASCAR Trademarks and damaging Plaintiff's goodwill; and

e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's NASCAR Trademarks or any reproductions, counterfeit copies or colorable imitations thereof.

2) Plaintiff further requests that Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon

Plaintiff a written report under oath setting forth in detail the manner and form in which Defendants have complied with paragraph 1, a through e, above.

3) Plaintiff further seeks entry of an order that, upon Plaintiff's request, any third party receiving notice who is providing, or has provided, services to any of the Defendants shall:

a. disable and cease providing services for any accounts through which Defendants engage in the sale of Infringing Products;

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

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

4) Plaintiff further requests an award of (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) the costs of the action by reason of Defendants' unlawful acts herein alleged, and that the amount be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117.

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

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

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

DATED: October 23, 2025

Respectfully submitted,

/s/ Matthew A. Werber

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