

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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

Plaintiff, XYZ Corporation., (“Plaintiff”), by and through its counsel, the Bayramoglu Law Offices, LLC, submits the following Complaint against the individuals, corporations, limited liability companies, partnerships and unincorporated associations identified on Schedule “A” hereto (collectively “Defendants”) and hereby alleges as follows:

NATURE OF THE ACTION

1. This action has been filed by Plaintiff to combat online copyright infringers who trade upon Plaintiff’s reputation, goodwill and valuable copyrights consisting of images and 3-D artwork embodied in Plaintiff’s “██████” brand product line of women’s apparel (the “██████ Brand Copyrights”). Plaintiff publishes ██████ Brand Copyrights on an online storefront located at www.██████.com. Defendants infringe the ██████ Brand Copyrights by publishing the copyrighted images and 3-D artwork on numerous fully interactive commercial internet stores on the online platform Alibaba.com (“Alibaba”) identified on Schedule A, and are using, without authorization, the ██████ Brand Copyrights and derivatives thereof, to sell and/or offer for sale “knock-off” products of inferior quality and at bargain basement prices.

2. Defendants likewise advertise, market, and/or sell their knockoff products embodying Plaintiff’s ██████ Brand Copyrights by reference to the same photographs and 3-D

inferior products that are advertised for sale using, without authorization, the [REDACTED] brand copyrights. Each of the Defendants has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including to the State of Illinois, accept payment in United States currency, and, on information and belief, has used photographs and 3-D artwork protected by the [REDACTED] Brand Copyrights to sell competing products of lesser quality to residents of the State of Illinois.

8. Each of the Defendants is committing tortious acts in the State of Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a) because Defendants have committed acts of copyright infringement in this judicial district, and do substantial business in the judicial district.

THE PARTIES

9. Plaintiff is a corporation organized under the laws of the People's Republic of China and is the owner of numerous federal copyright registrations issued by the United States Copyright Office that constitute the [REDACTED] Brand Copyrights. Attached hereto as Exhibit 1 is a table summarizing true and correct federal copyright registration information regarding the [REDACTED] Brand Copyrights.

10. Plaintiff founded the [REDACTED] brand in 2009, which is dedicated to women's fashion apparel and serves consumers in the United States and throughout the world.

11. Between 2021 and 2022, Plaintiff designed, caused to subsist in material form, and first published the original protected [REDACTED] Brand Copyrights on its website located at [www.\[REDACTED\].com](http://www.[REDACTED].com) and over the years has worked hard to establish success and recognition for high quality women's apparel internationally and in the U.S.

12. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting its [REDACTED] brand and, specifically, the [REDACTED] Brand Copyrights. As a result, the [REDACTED] brand is widely recognized and exclusively associated by consumers, the public, and the trade as being quality products.

13. Plaintiff owns all rights, including without limitation, the rights to reproduce the [REDACTED] Brand Copyrights 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.

14. Plaintiff has neither licensed nor authorized Defendants to use the [REDACTED] Brand Copyrights and none of the Defendants are authorized retailers of Plaintiff's genuine [REDACTED] brand products.

15. Upon information and belief, Defendants are individuals and business entities who, upon information and belief, reside mainly in the People's Republic of China or Hong Kong. Defendants conduct business throughout the United States, including within the State of Illinois and in this judicial district, through the operation of Defendants' Alibaba stores identified in Schedule A, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit [REDACTED] brand products to consumers within the United States, including in the State of Illinois and in this judicial district, utilizing, without authorization, the [REDACTED] Brand Copyrights.

16. Defendants go to great lengths to conceal their identities and the full scope of their operations making it virtually impossible for Plaintiff to learn Defendants' true identities and the exact interworking of their network.

DEFENDANTS' UNLAWFUL CONDUCT

17. The success of Plaintiff's [REDACTED] brand has resulted in counterfeiting and intentional copying of the company's products, and the sale and offering for sale of said products through the unauthorized use of the [REDACTED] Brand Copyrights. Upon information and belief, Defendants conduct their illegal operations through commercial stores on Alibaba. Each Defendant targets consumers in the United States, including in the State of Illinois, and sells and offers for sale counterfeit products through the unauthorized use of photographs and 3-D artwork protected by [REDACTED] Brand Copyrights.

18. In similar cases involving multiple counterfeiters, defendants operating internet stores intentionally conceal their identities and the full scope of their counterfeiting operations to

23. On information and belief, Defendants deceive unknowing consumers by using Plaintiff's █████ Brand Copyrights on Defendants' Alibaba stores without authorization to attract customers, and to sell counterfeit products resembling █████ brand products.

24. Defendants, in similar type of counterfeit cases, deceive unknowing consumers by using the infringed intellectual property as originally used in connection with the sale of genuine products, within the content, text, and/or meta tags of their websites to attract various search engines crawling the Internet looking for websites relevant to consumer product searches. Additionally, counterfeiters in similar type cases, use other unauthorized search engine optimization ("SEO") tactics and social media spamming so that the Defendants internet store listings show up at or near the top of relevant search results and misdirect consumers searching for genuine products. Further, counterfeiters utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down.

25. Here, a search for the "█████" brand women's dresses on Alibaba results in the unauthorized display of the █████ Brand Copyrights being used to promote competing, inferior products. As such, Plaintiff also seeks to disable Defendants Alibaba stores that are the means by which the Defendants use, without authorization, the █████ Brand Copyrights to continue to sell knockoff products to consumers in the State of Illinois and in this judicial district.

26. On information and belief, Defendants conceal their identities by using multiple fictitious names and addresses to register and operate a massive network of internet stores. It is common practice for counterfeiters to register accounts with incomplete information, randomly typed letters, or omitted cities or states; use privacy services that conceal the owners' identity and contact information; and regularly create new websites and online marketplace accounts on various platforms including Defendants' Alibaba stores listed in Schedule A, which is attached hereto as Exhibit "2". Such internet store registration patterns are one of many common tactics counterfeiters use to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

27. Upon receiving notice of a lawsuit, counterfeiters in similar cases will often register new domain names or online marketplace accounts under new aliases.¹ Counterfeiters 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 (“CBP”) report on seizure statistics indicated that e-commerce sales accounted for 13.3% of total retail sales with second quarter of 2021 retail e-commerce sales estimated at \$222.5 billion.² 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.

28. Further, counterfeiters often operate multiple credit card merchant accounts and third-party accounts behind layers of payment gateways so that they can continue operating in spite of enforcement efforts. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their Alibaba accounts to off-shore bank accounts outside the jurisdiction of this Court particularly since it is believed that Defendants reside in the People’s Republic of China or Hong Kong.

29. Defendants’ unlawful use of Plaintiff’s ██████████ Brand Copyrights to promote knockoff products for sale on Defendants’ Alibaba stores, bear similarities and indicia of interrelatedness, suggesting they are manufactured by and come from a common source. Notable features common to Defendants’ Alibaba stores include lack of contact information, same or similar products for sale, identically or similarly priced items and sales discounts, shared hosting

¹ [https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-aboutcounterfeit-](https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-aboutcounterfeit-goods-during)

goods-during (counterfeiters are “very adept at setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites”) (last visited Apr. 6, 2022).

² 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.

rightfully belonging to Plaintiff, and that Defendants would not otherwise have realized but for their infringement of Plaintiff's ██████ Brand Copyrights.

45. 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.

46. Accordingly, Plaintiff seek an award of damages pursuant to 17 U.S.C. § 504.

47. In addition to actual damages, Plaintiff is entitled to receive the profits made by Defendants from their wrongful acts, pursuant to 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.

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

49. Plaintiff is entitled to, and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by Defendants of their infringing work and for an order under 17 U.S.C. § 503 that any of Defendants' infringing products be impounded and destroyed.

50. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

51. Plaintiff has no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to the reputation and goodwill of their well-known ██████ brand.

52. 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 monetarily. As such, 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 the ██████ Brand Copyrights and ordering that each Defendant destroy all unauthorized copies. Defendants' copies, plates, and other embodiments of the copyrighted works from which copies can

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: March 4, 2024

Respectfully Submitted

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EXHIBIT 1
FILED UNDER
SEAL

EXHIBIT 2
FILED
UNDER SEAL