

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

Wumei Lin,

Plaintiff,

v.

Qesulk Mall,

Defendant.

Case No. 1:26-cv-00115 -GNA-KLHH

**FIRST AMENDED COMPLAINT
FOR COPYRIGHT INFRINGEMENT**

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff Wumei Lin, (“Plaintiff”), hereby files his Complaint for damages and injunction relief for copyright infringement against Qesulk Mall, identified on **Exhibit 2** (“Defendant”) and in support of his 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 his original photographic images, including; VA0002465414 (“Copyrighted Photo”). See Copyright Registrations Attached as **Exhibit 1**.
2. Plaintiff is a professional photographer who licenses his photographic works to clothing companies for commercial use in advertising and marketing.
3. This Defendant is an online storefront (“Online Stores”) operating on the Amazon Platform, which has used Plaintiff’s Copyrighted Photo without authorization to promote and sell products in competition with Plaintiff’s licensees.

4. Plaintiff has never licensed to these Defendant for any use of the Copyrighted Photo, nor are these Defendant otherwise authorized to display the photos and images.

5. This Defendant's unlawful use of Plaintiff's Copyrighted Photo on the Amazon Platform deprives Plaintiff of licensing revenue, undermines his ability to issue exclusive licenses, and causes irreparable harm to his livelihood and reputation.

6. This Defendant, acting together in concert, cause mass harm because Plaintiff, an individual, loses his source of income and control over his Copyrighted Photographic artwork.

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 Defendant because Defendant directly targets business activities towards consumers in Illinois, through their Online Stores on the Amazon Platform, attached hereto as **Exhibit 2**.

9. This Defendant 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 Plaintiff's federally registered copyrights.

10. Specifically, Defendant copies and displays Plaintiff's Copyrighted Photo without license or authorization to residents of Illinois through the Amazon Platform.

11. Defendant is properly subjected to personal jurisdiction in Illinois. Each Defendant is a foreign entity with sufficient contacts here, as they have systematically and continuously used Plaintiff's Copyrighted Photo for commercial purposes in this judicial district. This systematic

exploitation in the United States, and here specifically, Illinois, of Plaintiff's Copyrighted Photo for commercial purposes makes it reasonably foreseeable that these Defendant would be hauled into answer in a court in Illinois. 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 this Defendant is subject to this Court's personal jurisdiction and Defendant, based on a pre-suit investigation, is not a resident of the United States. Defendant is engaging in infringing activities and causing harm within the Northern District of Illinois by displaying Plaintiff's Copyrighted Photo for commercial purposes within the district, and advertising, offering to sell, selling, and/or shipping products to consumers in this district.

THE PARTIES

Plaintiff

13. Plaintiff is an individual and the owner of the Copyrighted Photo, attached hereto as **Exhibit 1**.

14. Plaintiff owns all rights, including, without limitation, the rights to reproduce the Copyrighted Photo in copies, prepare derivative works based upon the copyrighted works, and distribute copies of the Copyrighted Photo to the public by sale or other transfer of ownership, or by rental, lease, or lending the Copyrighted Photo. See **Exhibit 1**.

15. Plaintiff licenses his Copyrighted Photos to clothing suppliers so they can use them to market their products, which is how Plaintiff earns a living.

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

17. Plaintiff has issued exclusive licenses over his Copyrighted Photo involved in this suit. Loss of exclusivity and control over these Copyrighted Photo creates serious harm to Plaintiff, who relies on limiting the availability of the Copyrighted Photo to sustain their value.

18. Unauthorized use by this Defendant destroys exclusivity, devalues Plaintiff's Copyrighted Photo, and diminishes future licensing opportunities.

19. Plaintiff has neither licensed nor authorized these Defendant to use the Copyrighted Photo.

20. Plaintiff allowing the continued distribution of the non-licensed clothing using Plaintiff's Copyrighted Photo, by not enforcing licensing, devalues the artwork that the Plaintiff produces in that:

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

22. 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 Photo for every day that Plaintiff lacks control over them.

23. The damage to Plaintiff of continued infringement is imminent, irreparable, and unquantifiable.

Defendant

24. Defendant is an individual and business entity of unknown corporate organization and/or structure, who owns and/or operates the Online Store on the Platform as identified on

Exhibit 2.

25. It is believed that this Defendant resides and/or operate in foreign jurisdictions outside the United States.

26. This Defendant conduct business across the United States, including in this judicial district of Illinois, through the operation of their Online Stores listed in **Exhibit 2**. This Defendant has offered to sell and have sold products using illicit copies of Plaintiff's original Copyrighted Photo without permission. See **Exhibit 2** for links to infringing use of the copyrights on Defendant's Online Stores and comparison of the Copyrighted Photo.

27. Most third-party online marketplace platforms, like the 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.

DEFENDANT' UNLAWFUL CONDUCT

28. The quality of Plaintiff's work and the brands he licenses to have attracted many illicit infringers who copy and display Plaintiff's Copyrighted Photo to sell cheap competing versions of the swimsuit tankini-style clothing depicted in his art.

29. Upon information and belief, Defendant knowingly and willfully uses Plaintiff's Copyrighted Photo around the same timeframe, without permission, to manufacture, import, distribute, offer for sale, and sell the clothing depicted within.

30. Upon information and belief, this Defendant has had full knowledge of Plaintiff's ownership and authorship of the Copyrighted Photo.

31. Plaintiff has identified numerous stores on the Amazon Platform, including these Defendant' online stores, which display Plaintiff's Copyrighted Photo around the same timeframe.

32. Plaintiff seeks to shut down these Defendant's Online Store, where this Defendant display copies they made of Plaintiff's Copyrighted Photo without permission.

33. Fraudulent seller alias registration patterns are among the common tactics used by Internet store operators, such as these Defendant, to conceal their identities and the full extent of their illicit activities, and to avoid shutdown. The Amazon Platform specifically, does not display detailed seller contact information or verified physical addresses, and the seller aliases used are typically only names inside of the Amazon Platform and not registered as businesses outside of the Platform.

34. This Defendant's intentional tactic of hiding behind its seller aliases to obstruct enforcement aims to sustain illicit infringement activities.

35. Defendant reproduced photos from the same 2025 publishing year, each infringe the same subject matter, and each are identical copies of Plaintiff's Copyrighted Photo. *See Exhibit 2.*

36. Defendant uses the Copyrighted Photo in the same manner to sell the same clothing items, which they must produce on a larger scale to try and make a profit on the market.

37. Defendant operates 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.

38. Based on information and belief, this Defendant maintains offshore bank accounts and regularly transfers funds from their Platform accounts to offshore banks outside this Court's jurisdiction, especially since it is believed that these Defendant reside abroad.

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

40. Unless restrained temporarily, preliminarily, and permanently by this Court, these Defendant' infringing conduct will continue to cause irreparable harm to Plaintiff.

41. Upon information and belief, these Defendant 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.)

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

43. Plaintiff's Copyrighted Photo have substantial value and were produced and created at significant expense.

44. Plaintiff owns all exclusive rights, including the rights to reproduce the Copyrighted Photo into copies, create derivative works based on copyright registrations, and to distribute copies of the copyrighted photo to the public through sale, transfer of ownership, rental, lease, or lending. See **Exhibit 1**.

45. This Defendant continues to use Plaintiff's Copyrighted Photo to sell their goods in this and other judicial districts.

46. This Defendant's unauthorized use of Plaintiff's Copyrighted Photo, for commercial purposes, on their Online Stores, constitutes copyright infringement.

47. On information and belief, these Defendant' infringing acts are willful, deliberate, and committed with prior notice and knowledge of Plaintiff's Copyrighted Photo.

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

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

50. 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, these Defendant, and each of them, should be held jointly and severally liable.

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

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

53. 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 these Defendant's willful copyright infringement.

54. Plaintiff is entitled to and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation of the Copyright Photo by this Defendant.

55. 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.

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

57. 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.

58. Under 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further displaying Plaintiff's Copyrighted Photo, ordering Defendant destroy all unauthorized copies, Defendant's 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 Defendant should be impounded and forfeited to Plaintiff, under 17 U.S.C §503.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against these Defendant and each of them as follows:

1. Defendant, 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 these Defendant' stores on the Defendant' Online Stores or the Amazon Platform, or any other domain name or online marketplace account that is being used to sell or is the means by which the Defendant could continue to conduct commercial activity using the Plaintiff's Copyrighted Photo; and

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

2. Defendant, 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 these Defendant have complied with paragraph 1 above.

3. Entry of an Order that, upon Plaintiff's request, those in privity with these Defendant and those with notice of the injunction, including in our case here the Amazon Platform, as well as AliExpress, Walmart, TikTok, 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 these Defendant' Online Stores, and domain name registrars ("Third Party Providers"), shall:

- a. disable and cease providing services for any accounts through which these Defendant engage in commercial activity using Plaintiff's Copyrighted Photo, including any accounts associated with this Defendant
 - b. disable and cease displaying any advertisements used by or associated with Defendant that display the Copyrights; and
 - c. take all necessary steps to prevent links to these Defendant' Online Stores from displaying in search results, including, but not limited to, removing links to these Defendant' domain names from any search index.
4. Defendant account for and pay to Plaintiff all profits realized by them through the unauthorized use of the Copyrighted Photo.
 5. In the alternative, 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 these Defendant' willful copyright infringement.
 6. 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: January 20, 2026

Respectfully Submitted

By: /s/ Katherine M. Kuhn
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EXHIBIT 1
FILED
UNDER SEAL

EXHIBIT 2
FILED
UNDER SEAL