

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

SHENZHEN DAISILI COMMERCIAL CO., LTD.,

Plaintiff,

v.

wangqiao dba Look at Joes clothes,

Defendant.

Case No. 1:26-cv-00944-SLE-BWJ

Honorable Sara L. Ellis

Magistrate Beth W. Jantz

FIRST AMENDED COMPLAINT

Plaintiff, Shenzhen Daisili Commercial Co., Ltd., (“Plaintiff”), hereby files this First Amended Complaint for damages and injunction relief for copyright infringement against the wangqiao dba Look at Joes clothes, identified in Exhibit 2 attached hereto (the “Defendant”) 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 photograph: VA0002407256 (“Copyrighted Photograph”). See Copyright Registration and Copyrighted Photograph at issue attached as **Exhibit 1**.

2. Plaintiff is an individual that licenses its photographic works to clothing companies for commercial use in advertising and marketing.

3. This Defendant is an online storefront (“Online Store”) operating on the Temu Platform, which has used Plaintiff’s Copyrighted Photograph without authorization to promote and sell competing products.

4. Plaintiff has never licensed to this Defendant for any use of the Copyrighted Photograph, nor is this Defendant otherwise authorized to display the photograph.

5. This Defendant's unlawful use of Plaintiff's Copyrighted Photograph 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. This Defendant causes mass harm because Plaintiff, an individual, loses its source of income and control over its Copyrighted Photograph.

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 this Defendant because this Defendant directly targets business activities towards consumers in Illinois, through their Online Store on the Temu Platform, identified in **Exhibit 2** attached hereto.

9. This Defendant has targeted sales to the United States by operating this e-commerce Store, which caters to United States consumers, offers shipping to the United States, including Illinois, accepts payment in U.S. dollars, and sells products using illicit copies of Plaintiff's federally registered copyright.

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

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

systematic exploitation in the United States, and here specifically, Illinois, of Plaintiff's Copyrighted Photograph for commercial purposes makes it reasonably foreseeable that this 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 this Defendant, based on a pre-suit investigation, is 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 Photograph 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 Photograph, attached hereto as **Exhibit 1**.

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

15. Plaintiff licenses his Copyrighted Photograph 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 Photograph involved in this suit.

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

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

20. Plaintiff has neither licensed nor authorized this Defendant to use the Copyrighted Photograph.

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

- a) it prevents the Copyrighted Photograph from being used by the licensees of this photograph to make their high-quality products appear distinct; and
- b) 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 Photographs, which the swarm of illicit actors makes incredibly difficult, while simultaneously depreciating Plaintiff's Copyrighted Photographs 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 own and/or operate one or more Online Stores on the Platform as identified on **Exhibit 2**.

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

26. This Defendant conducts business across the United States, including in this judicial district of Illinois, through the operation of their Online Store listed in **Exhibit 2**. This Defendant has offered to sell and has sold products using illicit copies of Plaintiff's original Copyrighted Photograph without permission. See **Exhibit 2** for a link to the infringing use of the copyright on the Defendant's Online Store, and comparison of the Copyrighted Photograph compared to the infringing use.

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 Store. This platform 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'S UNLAWFUL CONDUCT

28. 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 Photograph to sell cheap competing versions of some of the clothing depicted in its art.

29. Upon information and belief, Defendant is a connected group of infringers working together to knowingly and willfully use Plaintiff's Copyrighted Photograph 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 Photograph.

31. Plaintiff has identified numerous Stores on the Temu Platform, including this Defendant's online Store, which displays Plaintiff's Copyrighted Photograph around the same timeframe.

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

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

34. This Defendant operates under various seller aliases creating the impression that this Defendant has multiple, separate entities.

35. Furthermore, infringers, like this Defendant and likely including this Defendant, 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.

36. Based on information and belief, this Defendant maintains 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 this Defendant reside abroad.

37. Notable features standard to this Defendant's Online Store includes a lack of contact information, the same or similar products for sale, identically or similarly priced items,

sales discounts, shared hosting service, identically named servers, and their common illicit infringement of Plaintiff's Copyrighted Image.

38. 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.

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

40. Upon information and belief, this 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.)

41. Plaintiff repeats, realleges, and incorporates by reference herein its allegations contained in paragraphs 1 through 40, above.

42. Plaintiff's Copyrighted Photograph has substantial value and was produced and created at significant expense.

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

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

45. This Defendant's unauthorized use of Plaintiff's Copyrighted Photograph, for commercial purposes, on their Online Store, constitutes copyright infringement.

46. On information and belief, this Defendant's infringing acts are willful, deliberate, and committed with prior notice and knowledge of Plaintiff's Copyrighted Photograph.

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

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

49. 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.

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

51. In addition to actual damages, Plaintiff is entitled to receive the profits made by this 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 Defendant from their acts of infringement.

52. 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 this Defendant's willful copyright infringement.

53. 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 Photograph by this Defendant.

54. 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.

55. Plaintiff has no adequate remedy at law, and, if this 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 its portfolio and future ability to license its work.

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

57. Under 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting this Defendant from further displaying Plaintiff's Copyrighted Photograph, ordering that 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 this Defendant as follows:

1. That this 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 Photograph 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 copyright;

b. further infringing the Copyright and damaging Plaintiff's reputation and

goodwill;

c. using, linking to, transferring, selling, exercising control over, or otherwise owning this Defendant's Store on the Defendant's Online Store or the Temu 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 Photograph; and

d. operating and/or hosting websites at the Defendant's Online Store 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 Photograph.

2. That this 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 this Defendant has complied with paragraph 1 above.

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

a. disable and cease providing services for any accounts through which this Defendant engages in commercial activity using Plaintiff's Copyrighted Photograph, including any accounts associated with this Defendant listed on Exhibit 2.

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

c. take all necessary steps to prevent links to this Defendant's Online Store identified on Exhibit 2 from displaying in search results, including, but not limited to, removing links to this Defendant's domain names from any search index.

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

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 Copyright 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 this Defendant's 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: February 19, 2026

Respectfully Submitted

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Exhibit 1
FILED
UNDER SEAL

Exhibit 2
FILED
UNDER SEAL