

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIEL SMITH,

Plaintiff,

v.

SANGAN TRADING, *et al.*,

Defendants.

Case No.

**FILED UNDER SEAL**

**DECLARATION OF DANIEL SMITH**

I, DANIEL SMITH, declare and state as follows:

1. This declaration is based upon my personal knowledge of the facts stated herein or on the business records that were made at the time or in the regular course of business. If called as a witness, I could and would testify to the statements made herein.

2. I am the artist that created the Brother Wolf Work and am the Plaintiff in this lawsuit. I make this declaration from matters within my knowledge save where otherwise stated.

3. I have been painting full time for over twenty years and have had over 100 of my paintings reproduced as limited edition prints. I have designed over thirty stamps including the 1988-89 Federal Duck Stamp and was recently selected as Ducks Unlimited International Artist of the Year for the second time. I have won numerous awards from the Society of Animal Artists and have been chosen Artist of the Year for several conservation organizations. I have used my art to aid and endorse many conservation efforts. I received the 2009 Harrison Eiteljorg Museum Purchase Award, the 2007 Artist of Distinction award from the Eiteljorg Museum and the 2008 People's Choice Award at Western Visions.

4. I exhibit at several museum shows including the Autry National Center, the Eiteljorg Museum, the National Cowboy & Western Heritage Museum and the Leigh Yawkey

Woodson Art Museum. The detail and scientific accuracy of my art caught the eyes of organizations such as the National Geographic Society, who commissioned me to paint five color plates for “The Field Guide to the Birds of North America”, and the prestigious “Birds in Art” exhibition sponsored by the Leigh Yawkey Woodson Art Museum. In 1996 I was inducted into the “U.S. Art Hall of Fame” due to my great popularity among print collectors.

5. I am the owner of a copyright registration that is identified by United States Copyright Registration No. VA 883-019 (the “Brother Wolf Work”). A True and correct copy of the copyright registration for Brother Wolf is attached to the Complaint as **Exhibit 1**.



6. I control the quality of all materials and content that feature the distinctive Brother Wolf Work.

7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Brother Wolf Work. As a result, the image is widely recognized and exclusively associated by consumers, the public, and the trade with me.

8. The success and acclaim of the Brother Wolf Work has resulted in significant infringement of my copyright. Consequently, an anti-pirating program has been implemented to investigate suspicious websites and online marketplace listings identified in proactive internet sweeps. Various marketplace listings have been identified on Temu, including the internet stores identified in Schedule A attached to the Complaint (“Defendant Internet Stores”), which were offering for sale, selling, and/or importing unauthorized copies of the Brother Wolf Work to consumers in this judicial district and throughout the United States.

9. I am aware of investigations related to internet-based infringement of the Brother Wolf Work. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing reproductions of the Brother Wolf Work from foreign countries such as China to

consumers in the United States. I, or someone working under my direction, analyzed the Defendant Internet Stores and determined that products featuring infringing reproductions of the Brother Wolf Work were being offered for sale to the United States, including Pennsylvania. The Defendants and their websites do not conduct business with me and do not have the right or authority to use the copyright for any reason. Below is a side-by-side comparison of the Brother Wolf Work and an example image used by Defendants that infringes copyrighted Brother Wolf:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 883-019	BROTHER WOLF		

10. Monetary damages alone cannot adequately compensate me for Defendants' ongoing infringement because monetary damages fail to address the loss of control of and damage to my reputation, goodwill, and control over the nature of the derivative works made using my copyrighted material. Furthermore, monetary damages are difficult, if not impossible, to completely ascertain due to the inability to fully quantify the monetary damage caused to my reputation and goodwill by acts of infringement.

11. My goodwill and reputation are irreparably damaged when the Brother Wolf Work is used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the copyrighted Brother Wolf image as infringers take away my ability to control the nature and quality of products bearing the Brother Wolf Work and derivative works.

12. Additionally, I am irreparably damaged due to a loss of exclusivity. The copyright rights in the Brother Wolf Work are meant to be exclusive rights.

13. The marketing and distribution of the Brother Wolf Work and derivative works are aimed at growing and sustaining sales. When infringers use the Brother Wolf Work without authorization, the exclusivity associated with the image, as well as my reputation, is damaged and eroded, resulting in a loss of unquantifiable future sales.

14. Uncontrolled profiteering and pirating of the Brother Wolf Work creates the impression that the copyright rights associated with the Brother Wolf Work may be infringed with impunity. The Brother Wolf Work is distinctive and signifies to consumers that products authorized are authorized by me and are manufactured to my high-quality standards. The devaluing of the intellectual property associated with the Brother wolf work cannot be compensated for financially since it erodes my ability to monetize the Brother Wolf Work.

15. I will suffer immediate and irreparable injury, loss, or damage if an *ex parte* Temporary Restraining Order is not issued in accordance with Federal Rule of Civil Procedure 65(b)(1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Apr 14, 2025

*Daniel Smith*

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Daniel Smith

# CERTIFICATE *of* SIGNATURE

REF. NUMBER  
**PZM9Q-EN9UF-NP2QM-SLGEG**

DOCUMENT COMPLETED BY ALL PARTIES ON  
**14 APR 2025 17:52:21 UTC**

## SIGNER

**DANIEL SMITH**

SHARED VIA  
**LINK**

## TIMESTAMP

SENT  
**19 MAR 2025 08:32:44 UTC**

VIEWED  
**24 MAR 2025 14:44:22 UTC**

SIGNED  
**14 APR 2025 17:52:21 UTC**

## SIGNATURE



IP ADDRESS  
**98.97.37.0**

LOCATION  
**SEATTLE, UNITED STATES**

