

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

EVGENY LUSHPIN,

Plaintiff,

v.

CHUZHOUQINTIANWUJINYOUXIANGONGSI,
et al.,

Defendants.

Case No.

FILED UNDER SEAL

DECLARATION OF EVGENY LUSHPIN

I, EVGENY LUSHPIN, 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 creates all the Evgeny Lushpin Works and the Plaintiff in this lawsuit. I make this declaration from matters within my knowledge save where otherwise stated.

3. I am a contemporary artist who produces work under the name “Evgeny Lushpin.” My work is featured in private collections throughout the United States, Russia, and abroad. I am greatly influenced by the Russian Realism School. My paintings of still life and landscape reflect a complex rendering of texture, illusionistic light, and an intricate attention to detail. My early works followed the traditional technique of the Russian Realism School possessing a strong interest in the effect of illusions and reflecting a strong sense of symbolism. Recently, I have become more focused on the image of the city.

4. I am the official source of products associated with the Evgeny Lushpin Works (the “Evgeny Lushpin Products”):



Evgeny Lushpin

To see a more specific or customized presentation for your collection or project, please contact Alice Deuber at alicedeuber@licensingliaison.com



<https://licensingliaison.com/artists/evgeny-lushpin/>

5. I am the owner of the copyright registrations for the Evgeny Lushpin copyrighted works, which include United States Copyright Registration Nos. VA 2-431-398; VA 2-431-778; VA 2-431-376; VA 2-431-772; VA 2-431-380; and VA 2-431-775 (the “Evgeny Lushpin Works”). True and correct copies of the copyright registrations for the Evgeny Lushpin Works are attached to the Complaint as **Exhibit 1**.

6. I control the quality of all materials and content that feature the distinctive Evgeny Lushpin Works.

7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Evgeny Lushpin Works. As a result, the images are widely recognized and exclusively associated by consumers, the public, and the trade with my professional identity as an artist.

8. The success and acclaim of the Evgeny Lushpin Works 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 multiple platforms, 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 Evgeny Lushpin Products to consumers in this judicial district and throughout the United States.

9. I am aware of investigations related to internet-based infringement of the Evgeny Lushpin Works. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing Evgeny Lushpin Products 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 infringing Evgeny Lushpin Products 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 copyrights for any reason. Below is a side-by-side comparison of the Evgeny Lushpin Works and examples of Defendants’ products reviewed that embody the copyrighted Evgeny Lushpin Works:

| Reg. Number | Title of Work | Copyrighted Work | Defendants’ Image |
|--------------|------------------|--|--|
| VA 2-431-398 | Cable Car Heaven |  |  Def #1-41, 73-148 |
| VA 2-431-778 | Evening Journey |  |  Def #42-55, 149-179 |

| Reg. Number | Title of Work | Copyrighted Work | Defendants' Image |
|--------------|-------------------------|--|---|
| VA 2-431-376 | Do You Remember? |  |  Def #56-62, 180-181 |
| VA 2-431-772 | Rainy Morning |  |  Def #63-69 |
| VA 2-431-380 | Dream for Two |  |  Def #70-71, 182-184 |
| VA 2-431-775 | The Venice of the North |  |  Def #72, 185-199 |

10. Monetary damages alone cannot adequately compensate me for the 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 Evgeny Lushpin Works are used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the Evgeny Lushpin copyrighted materials because infringers take away my ability to control the nature and quality of products bearing the Evgeny Lushpin Works and derivative works.

12. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in the Evgeny Lushpin Works are meant to be exclusive rights.

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

14. Uncontrolled profiteering and pirating of the Evgeny Lushpin Works create the impression that the copyright rights associated with the Evgeny Lushpin Works may be infringed with impunity. The Evgeny Lushpin Works are distinctive and signify to consumers that products are authorized by me and are manufactured to my high-quality standards. The devaluing of the intellectual property associated with the Evgeny Lushpin Works cannot be compensated for financially since it erodes my ability to monetize the Evgeny Lushpin Works.

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 Jun 05, 2025

Evgeny Lushpin

Evgeny Lushpin