

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

RAFAEL MÁRCIO MELILLO BASTOS,

Plaintiff,

v.

SCHEDULE A DEFENDANTS,

Defendants.

Case No. 26-cv-120

FILED UNDER SEAL

DECLARATION OF RAFAEL MÁRCIO MELILLO BASTOS

I, RAFAEL MÁRCIO MELILLO BASTOS, 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 Rafael Bastos Works and the Plaintiff in this lawsuit. I make this declaration from matters within my knowledge save where otherwise stated.

3. I am a professional graphic designer who produces work under the name “Rafael Bastos.” I run a four-employee graphic design studio that creates and sells illustrations through various sources. I have always seen my great-grandmother as my great inspiration. This inspiration was the reason I used her name “Vó Maria” as my alter ego while selling my work.

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

The screenshot shows the Redbubble website interface. At the top, there is a search bar with the text "Search for space surfer stickers" and a magnifying glass icon. To the right of the search bar are links for "Sell your art", "Login", "Signup", a heart icon, and a shopping cart icon. Below the search bar is a navigation menu with categories: Clothing, Stickers, Phone Cases, Wall Art, Home & Living, Kids & Babies, Pets, Accessories, Stationery & Office, Gifts, and Explore designs.

The main content area features the profile of "vomaria", who joined in May 2015 and has 743 designs. Below the profile name are links for "Shop products" and "Explore designs". A "Featured collection" titled "MUSIC" is displayed, showing a grid of six items: "Punk Fish Classic T-Shirt" (From \$21.50), "ACDC - Back in Black Sticker" (From \$2.80), "Dabbing Unicorn Shirt Dab Hip Ho..." (From \$21.50), "Dabbing Pug funny hip hop tshir..." (From \$21.50), "Dabbing Cat Funny Hip Hop T-shir..." (From \$21.50), and "Music Essential T-Shirt" (From \$21.50).

Below the featured collection is a "Filters" sidebar on the left with sections for "Collection" (All Collections), "Category" (All Categories), and a list of categories including Clothing, Kids & Babies, Phone Cases, Stickers, Wall Art, Home & Living, Stationery & Office, and Accessories. To the right of the filters is a "Collections" section with 20 items, showing thumbnails for "TERROR", "MUSIC", "FUNNY!", "LIKE A BOMBIE", and "TV & MOVIES". Below that is a "Shop" section with 743 results, displaying a grid of five items: "Visit Hawkins Indiana Vintage B..." (From \$21.50), "Dabbing Unicorn Shirt Hip Hop D..." (From \$21.50), "Unicorn Believe in Yourself Magi..." (\$24.54), "Sushiman - Sushi Lover Sticker" (From \$2.80), and "Nap-O-Matic Essential T-Shirt" (From \$21.50).

<https://www.redbubble.com/people/vomaria/shop?asc=u>











5. I am the owner of the copyright registrations for the Rafael Bastos copyrighted works, which include United States Copyright Registration Nos. VA 2-344-067; VA 2-344-225; VA 2-344-068; VA 2-344-214; and VA 2-344-211 (the “Rafael Bastos Works”). True and correct copies of the copyright registrations for the Rafael Bastos Works are attached to the Complaint as **Exhibit 1**.

6. I control the quality of all materials and content that feature the distinctive Rafael Bastos Works.

7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Rafael Bastos 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 Rafael Bastos 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 Rafael Bastos 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 Rafael Bastos Works. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing Rafael Bastos 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 Rafael Bastos 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 Rafael Bastos Works and examples of Defendants’ products reviewed that embody the copyrighted Rafael Bastos Works:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-344-067	Dabbing Turkey		 Def #1, 3-67
VA 2-344-225	The Neutral		 Def #2, 68-80
VA 2-344-068	Dabbing Pug		 Def #81-118
VA 2-344-214	Dabbing Black Cat		 Def #119-124
VA 2-344-211	Dabbing Skeleton Soccer		 Def #125-126

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 Rafael Bastos Works are used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the Rafael Bastos copyrighted materials because infringers take away my ability to control the nature and quality of products bearing the Rafael Bastos Works and derivative works.

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

13. The marketing and distribution of the Rafael Bastos Works and derivative works are aimed at growing and sustaining sales. When infringers use the Rafael Bastos Works without authorization, the exclusivity associated with the Rafael Bastos 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 Rafael Bastos Works create the impression that the copyright rights associated with the Rafael Bastos Works may be infringed with impunity. The Rafael Bastos 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 Rafael Bastos Works cannot be compensated for financially since it erodes my ability to monetize the Rafael Bastos 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 09, 2025



Rafael Bastos