

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

LISA AUDIT,

Plaintiff,

v.

POPART PRINTS, et.al.,

Defendants.



Case No. 26-cv-29

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the Caption, which are set forth in **Schedule “A”** hereto (collectively “Defendants”). All Defendants are knowingly and intentionally promoting, advertising, distributing, offering for sale, and selling infringing versions of Plaintiff’s copyrighted works (the “Infringing Products”) on the Temu.com online marketplace, operating under the seller identities and/or the online marketplace accounts as set forth on **Schedule “A”** hereto (the “Seller IDs” and collectively, the “Defendant Merchant Storefronts”). In support of its claims, Plaintiff alleges as follows:

**NATURE OF ACTION**

1. Plaintiff is the owner of a United States Registered Copyright which is infringed by Defendants. Each Defendant has infringed at least one of Plaintiff’s Registered Copyrights. Below is a side-by-side comparison of Plaintiff’s copyrighted work and an example of Defendants’ products that embody Plaintiff’s copyrighted work:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-420-419	Under the Sun I Work		

### JURISDICTION AND VENUE

2. 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.

3. This Court has personal jurisdiction over each Defendant because they have purposefully directed and expressly aimed their tortious activities at the Commonwealth of Pennsylvania and established sufficient minimum contacts with Pennsylvania by, among other things, upon information and belief, advertising and selling infringing products bearing Plaintiff’s copyrighted designs to consumers within Pennsylvania through a highly interactive commercial website, through the regular course of business, with the knowledge that Plaintiff is harmed in Pennsylvania as a result of Defendants’ sales of infringing products to Pennsylvania residents. Plaintiff’s claims arise out of and relate to Defendants’ sales of infringing products bearing Plaintiff’s copyrighted designs to Pennsylvania residents through the regular course of business. Alternatively, based on their overall contacts with the United States, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i)

Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

4. Personal jurisdiction over a non-resident of the state in which the Court sits is proper to the extent authorized by the state's laws. Fed. R. Civ. P. 4(e). Pennsylvania authorizes personal jurisdiction over each Defendant pursuant to § 5322 of the Pennsylvania Consolidated Statutes, Title 42, (the "Pennsylvania Long Arm Statute") which provides in pertinent part:

(a) **General Rule.** A tribunal of this Commonwealth may exercise personal jurisdiction over a person ... who acts directly or by an agent, as to a cause of action or other matter arising from such person:

(1) Transacting any business in this Commonwealth [including, but not limited to:]...

(i) The doing by any person in this Commonwealth of a series of similar acts for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object.

(ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object with the intention of initiating a series of such acts.

(iii) The shipping of merchandise directly or indirectly into or through this Commonwealth.

(iv) The engaging in any business or profession within this Commonwealth.

\* \* \*

(3) Causing harm or tortious injury by an act or omission in this Commonwealth.

(4) Causing harm or tortious injury in this Commonwealth by an act or omission outside this Commonwealth.

\* \* \*

(10) Committing any violation within the jurisdiction of this Commonwealth of any statute ... or rule or regulation promulgated thereunder by any government unit.

(b) **Exercise of full constitutional power over nonresidents.** In addition to the provisions of subsection (a) the jurisdiction of the tribunals of this Commonwealth shall extend to all persons who are not within the scope of section 5301 (relating to persons) to the fullest extent allowed under the Constitution of the United States and may be based on the most

minimum contact with this Commonwealth allowed under the Constitution of the United States.

42 Pa. Cons. Stat. § 5322.

5. The Pennsylvania Long Arm Statute confers personal jurisdiction over the Defendants because Defendants regularly conduct, transact, and/or solicit business in Pennsylvania and in this Judicial District and, upon information and belief, derive substantial revenue from their business transactions in Pennsylvania and in this Judicial District. Defendants have availed themselves of the privileges and protections of the laws of Pennsylvania, such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and substantial justice. Defendants should reasonably expect that their actions in and outside of Pennsylvania would subject them to legal action in Pennsylvania and this Judicial District. For example:

a. Defendants have directed their business activities at consumers in Pennsylvania via Temu, through which consumers in Pennsylvania can view Defendants' online storefronts, communicate with Defendants regarding Defendants' Infringing Products, and place orders for, purchase, and receive delivery of Defendants' Infringing Products in Pennsylvania.

b. Defendants are sophisticated sellers on Temu, each operating one or more commercial businesses through which Defendants operate online storefronts to promote, advertise, distribute, offer for sale, and sell the Infringing Products imported into the United States.

c. Defendants (although foreign entities) accept payment in U.S. Dollars and offer shipping to Pennsylvania and this Judicial District (and calculate, charge, and remit tax based on sales into Pennsylvania and this Judicial District).

d. Upon information and belief, Defendants have cooperated, communicated, shared information, and coordinated their efforts in order to create an infringing marketplace operating in parallel to the legitimate marketplace of Plaintiff and third parties authorized to sell products embodying Plaintiff's copyrighted works, including: employing and benefitting from substantially similar paid advertising, marketing, and advertising strategies (*e.g.*, search engine optimization or "SEO"), in order to make their online storefronts appear more relevant and target a consumer searching for products embodying Plaintiff's copyrighted works. By their actions, in addition to the damages associated with unauthorized use of Plaintiff's copyrighted works, Defendants are causing concurrent and irreparable harm to Plaintiff and the consuming public by: (1) reducing the online visibility of Plaintiff's copyrighted works; (2) diluting and eroding the retail market price for Plaintiff's copyrighted works; (3) causing overall degradation of the value of goodwill associated with Plaintiff's copyrighted works; (4) devaluing the exclusivity that enhances the worth of Plaintiff's art and reputation; and (5) increasing Plaintiff's overall cost to market its goods and educate consumers about Plaintiff's copyrighted works.

e. Defendants are concurrently targeting their infringing activities toward consumers in, and causing harm in, Pennsylvania.

f. Defendants reside and/or operate in foreign jurisdictions with intellectual property enforcement systems and are cooperating by creating an illegal stream of infringing goods. (See, *e.g.*, <https://sellerdefense.cn/>). Defendants regularly remove and add products from their online storefronts, making it extremely difficult to enforce Plaintiff's intellectual property under the laws of the United States.

g. Upon information and belief, Defendants are aware of Plaintiff and Plaintiff's copyrighted work and are aware that their infringement is likely to cause harm to Plaintiff in the United States, Pennsylvania, and this Judicial District.

h. Plaintiff is suffering irreparable and indivisible injury and has suffered substantial damages as a result of Defendants' unauthorized sale of the Infringing Products in direct competition with Plaintiff.

6. Alternatively, if Defendants contend that their use of Temu should not be construed as contacts with the individual states and the Court accepts that contention, Federal Rule of Civil Procedure 4(k)(2) confers personal jurisdiction over Defendants because (1) the claims asserted herein arise under federal copyright law; (2) Defendants would not be subject to jurisdiction in any state's courts of general jurisdiction; and (3) exercising jurisdiction is consistent with the United States Constitution and laws. For example, exercising jurisdiction is constitutionally permissible because:

a. Defendants have purposefully directed their activities at the United States. The Defendants have voluntarily chosen to open accounts on Temu to access the United States' market. Upon information and belief, Temu targets the entire United States, and does not provide sellers like Defendants with the ability to opt into or out of any particular jurisdiction (*e.g.*, state) within the United States. Temu, the online marketplace chosen by Defendants: (1) provides prices in U.S. dollars; (2) advertises free shipping to U.S. buyers, including buyers in Pennsylvania, and (3) provides testimonials of and reviews by U.S. buyers.

b. Upon information and belief, Defendants have each had sales of the Infringing Products in the United States.

c. Plaintiff's injuries arise from Defendants' forum-related activities.

Defendants' offer to sell, sale, and distribution of the Infringing Products to U.S.

residents is a but for cause of all of the infringement alleged in this action. Defendants

know or should know that infringement of works copyrighted by U.S. entities or persons

is likely to injure U.S. residents.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391: Defendants do not reside in the United States and are subject to venue in any district. Further, Defendants solicit business from this Judicial District and, upon information and belief, conduct and transact significant business in this Judicial District.

## **INTRODUCTION**

1. Plaintiff, Lisa Audit, is the owner of a federal copyright registration that protects the creative content of Plaintiff's image. The copyright protects a work of art by Lisa Audit, an artist and graphic designer who creates products and designs for various such as tableware, stationery, kitchen textiles, bedding, bath, rugs, and wall décor. She studied graphic arts in college and finds her inspiration in nature. She is proficient with oil pants, acrylics, and pen and ink. Lisa Audit derives significant profits from the sale and distribution of art prints and licensed products.

2. This action has been filed by Plaintiff to combat online copyright infringers who trade upon Plaintiff's reputation, goodwill, and valuable copyrights by selling and/or offering for sale products in connection with Plaintiff's image. In addition, the Defendants are selling unauthorized products that are based on and derived from the copyrighted subject matter of Plaintiff's image.

3. Plaintiff is the owner of United States Copyright Registration No. VA 2-420-419 (the "Under the Sun I Work"). This registration is valid, subsisting, and in full force and effect. A

true and correct copy of the registration certificate for the Under the Sun I Work is attached hereto as **Exhibit 1**. Upon information and belief, the copyright has an effective date that predates the Defendants' acts of copyright infringement.

4. In an effort to illegally profit from the creative content of The Under the Sun I Work, Defendants have created numerous Defendant Merchant Storefronts and designed them to appear to be selling authorized Under the Sun I Works.

5. The Defendant Merchant Storefronts share unique identifiers, such as design elements and similarities of the unauthorized products offered for sale, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal operation. Plaintiff is forced to file this action to combat Defendants' piracy of the Under the Sun I Work. Plaintiff has suffered, and continues to suffer, irreparable harm due to the loss of control over the quality and creative content of her valuable copyrighted works, as well as damage to her reputation, goodwill, and ability to license as a result of Defendants' actions. Accordingly, Plaintiff seeks injunctive and monetary relief.

6. The rise of online retailing, coupled with the ability of e-commerce sites to hide their identities, has made it nearly impossible for policing actions to be undertaken by Plaintiff because taking advantage of takedown procedures to remove infringing products would be an ineffective and endless game of whack-a-mole against the mass piracy that is occurring over the internet. Sadly, a swarm of infringers have decided to trade upon Plaintiff's reputation, goodwill, and valuable copyrights by selling and/or offering for sale products in connection with Plaintiff's image. The aggregated effect of the mass piracy that is taking place has overwhelmed Plaintiff and

Plaintiff's ability to police Plaintiff's rights against the dozens of anonymous defendants who are selling illegal infringing products at prices well below an original.

7. To be able to offer the infringing products at a price substantially below the cost of original, while still being able to turn a profit after absorbing the cost of manufacturing, advertising, and shipping requires an economy of scale only achievable through a cooperative effort throughout the supply chain. As Homeland Security's recent report confirms, infringers act in concert through coordinated supply chains and distribution networks to unfairly compete with legitimate brand owners while generating huge profits for the illegal pirating network:

Historically, many counterfeits were distributed through swap meets and individual sellers located on street corners. Today, counterfeits are being trafficked through vast e-commerce supply chains in concert with marketing, sales, and distribution networks. **The ability of e-commerce platforms to aggregate information and reduce transportation and search costs for consumers provides a big advantage over brick-and-mortar retailers. Because of this, sellers on digital platforms have consumer visibility well beyond the seller's natural geographical sales area.**

...

Selling counterfeit and pirated goods through e-commerce is a highly profitable activity: production costs are low, millions of potential customers are available online, transactions are convenient, and listing on well-branded e-commerce platforms provides an air of legitimacy.

...

The impact of counterfeit and pirated goods is broader than just unfair competition. Law enforcement officials have uncovered intricate links between the sale of counterfeit goods and transnational organized crime. **A study by the Better Business Bureau notes that the financial operations supporting counterfeit goods typically require central coordination,** making these activities attractive for organized crime, with groups such as the Mafia and the Japanese Yakuza heavily involved. Criminal organizations use coerced and child labor to manufacture and sell counterfeit goods. In some cases, the proceeds from counterfeit sales may be supporting terrorism and dictatorships throughout the world.

*See* Department of Homeland Security, *Combating Trafficking in Counterfeit and Pirated Goods*, Jan. 24, 2020, (<https://www.dhs.gov/publication/combating-trafficking-counterfeit-and-pirated-goods>), at 10, 19 (emphasis added) attached hereto as **Exhibit 2**.

8. The Defendant Merchant Storefronts share unique identifiers, such as design elements and similarities of the unauthorized products offered for sale, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants use aliases to avoid liability by going to great lengths to conceal both their identities as well as the full scope and interworking of their illegal network. Despite deterrents such as takedowns and other measures, the use of aliases enables infringers to stymie authorities:

The scale of counterfeit activity online is evidenced as well by the significant efforts e-commerce platforms themselves have had to undertake. A major e-commerce platform reports that its proactive efforts prevented over 1 million suspected bad actors from publishing a single product for sale through its platform and blocked over 3 billion suspected counterfeit listings from being published to their marketplace. Despite efforts such as these, private sector actions have not been sufficient to prevent the importation and sale of a wide variety and large volume of counterfeit and pirated goods to the American public.

...

A counterfeiter seeking to distribute fake products will typically set up one or more accounts on online third-party marketplaces. The ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders. Rapid proliferation also allows counterfeiters to hop from one profile to the next even if the original site is taken down or blocked. On these sites, online counterfeiters can misrepresent products by posting pictures of authentic goods while simultaneously selling and shipping counterfeit versions.

...

Not only can counterfeiters set up their virtual storefronts quickly and easily, but they can also set up new virtual storefronts when their existing storefronts are shut down by either law enforcement or through voluntary initiatives set up by other stakeholders such as market platforms, advertisers, or payment processors.

*Id.* at 5, 11, 12.

9. Plaintiff has been and continues to be irreparably harmed through the loss of control over Plaintiff's reputation, goodwill, ability to license, and the quality of goods featuring the Under the Sun I Work, as well as the devaluation of the exclusivity associated with Plaintiff's art and professional reputation. The rise of eCommerce as a method of supplying goods to the public

exposes brand holders and content creators that make significant investments in their products to significant harm from counterfeiters:

Counterfeiting is no longer confined to street-corners and flea markets. The problem has intensified to staggering levels, as shown by a recent Organization for Economic Cooperation and Development (OECD) report, which details a 154 percent increase in counterfeits traded internationally — from \$200 billion in 2005 to \$509 billion in 2016. Similar information collected by the U.S. Department of Homeland Security (DHS) between 2000 and 2018 shows that seizures of infringing goods at U.S. borders have increased 10-fold, from 3,244 seizures per year to 33,810.

...

The rise in consumer use of third-party marketplaces significantly increases the risks and uncertainty for U.S. producers when creating new products. It is no longer enough for a small business to develop a product with significant local consumer demand and then use that revenue to grow the business regionally, nationally, and internationally with the brand protection efforts expanding in step. Instead, with the international scope of e-commerce platforms, once a small business exposes itself to the benefits of placing products online — which creates a geographic scope far greater than its more limited brand protection efforts can handle — it begins to face increased foreign infringement threat.

...

Moreover, as costs to enter the online market have come down, such market entry is happening earlier and earlier in the product cycle, further enhancing risk. If a new product is a success, counterfeiters will attempt, often immediately, to outcompete the original seller with lower-cost counterfeit and pirated versions while avoiding the initial investment into research and design.

...

Counterfeiters have taken full advantage of the aura of authenticity and trust that online platforms provide. While e-commerce has supported the launch of thousands of legitimate businesses, their models have also enabled counterfeiters to easily establish attractive “store-fronts” to compete with legitimate businesses.

See *Combating Trafficking in Counterfeit and Pirated Goods*, Jan. 24, 2020, (**Exhibit 2**) at 4, 8, 11.

10. Not only are the creators and copyright owners harmed, the public is harmed as well:

The rapid growth of e-commerce has revolutionized the way goods are bought and sold, allowing for counterfeit and pirated goods to flood our borders and penetrate our communities and homes. Illicit goods trafficked to American consumers by e-commerce platforms and online third-party marketplaces threaten public health and

safety, as well as national security. This illicit activity impacts American innovation and erodes the competitiveness of U.S. manufacturers and workers. The President's historic memorandum provides a much warranted and long overdue call to action in the U.S. Government's fight against a massive form of illicit trade that is inflicting significant harm on American consumers and businesses. This illicit trade must be stopped in its tracks.

*Id.* at 3, 4. (Underlining in original).

11. Plaintiff's investigation shows that the telltale signs of an illegal piracy ring are present in the instant action. The Defendant Merchant Storefronts share unique identifiers, such as design elements and similarities of the infringing products offered for sale, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal piracy operation. Plaintiff is forced to file this action to combat Defendants' infringement of the Under the Sun I Work, as well as to protect unknowing consumers from purchasing unauthorized reproductions of the Under the Sun I Work over the internet.

#### **THE PLAINTIFF**

12. Plaintiff, Lisa Audit, is the owner of a federal copyright registration that protects the creative content of Plaintiff's image. The copyright protects a work of art by Lisa Audit, an artist and graphic designer who creates products and designs for various such as tableware, stationery, kitchen textiles, bedding, bath, rugs, and wall décor. She studied graphic arts in college and finds her inspiration in nature. She is proficient with oil paints, acrylics, and pen and ink. Lisa Audit derives significant profits from the sale and distribution of art prints and licensed products.

13. Plaintiff has expended substantial time, money, and other resources developing, advertising, and otherwise promoting her art, including the Under the Sun I Work. Plaintiff has also invested substantial time, money, and effort in building up and developing consumer

awareness, goodwill, and recognition in the Under the Sun I Work. As a result, reproductions associated with the Under the Sun I Work are recognized and exclusively associated by consumers, collectors, the public, and the trade as works authorized by Plaintiff.

14. The success of the Under the Sun I Work is due in large part to Plaintiff's marketing, promotional, and distribution efforts.

15. As a result of Plaintiff's efforts, the quality of authorized reproductions, the promotional efforts for Plaintiff's products and designs, press and media coverage, and social media coverage, members of the public have become familiar with the Under the Sun I Work and associate it exclusively with Plaintiff.

16. Plaintiff has made efforts to protect Plaintiff's interests in and to the Under the Sun I Work. No one other than Plaintiff and Plaintiff's licensees are authorized to manufacture, import, export, advertise, create derivative works, offer for sale, or sell any goods utilizing the Under the Sun I Work image without the express written permission of Plaintiff.

#### **THE DEFENDANTS**

17. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Pennsylvania and in this judicial district, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendant Merchant Storefronts. Each Defendant targets the United States, including Pennsylvania, and has offered to sell and, on information and belief, has sold and continues to sell illegal reproductions of the Under the Sun I Work to consumers within the United States, including Pennsylvania and in this judicial district.

#### **THE DEFENDANTS' UNLAWFUL CONDUCT**

18. The success of the Under the Sun I Work has resulted in significant copying of the creative content protected by Plaintiff's copyright registration. Plaintiff has identified numerous fully interactive marketplace listings on Temu. Each Defendant targets consumers in the United States, including the Commonwealth of Pennsylvania, and has offered to sell and, on information and belief, has sold and continues to sell infringing products that violate Plaintiff's intellectual property rights in the Under the Sun I Work to consumers within the United States, including the Commonwealth of Pennsylvania.

19. Upon information and belief, Defendants facilitate sales by designing the Defendant Merchant Storefronts so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine reproductions of the Under the Sun I Work.

20. The Defendant Merchant Storefronts intentionally conceal their identities and the full scope of their piracy operations in an effort to deter Plaintiff from learning Defendants' true identities and the exact interworking of Defendants' illegal operations. Through their operation of the Defendant Merchant Storefronts, Defendants are directly and personally contributing to, inducing, and engaging in the sale of Infringing Products as alleged, often times as partners, co-conspirators, and/or suppliers. Upon information and belief, Defendants are an interrelated group of infringers working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Infringing Products.

21. Upon information and belief, at all times relevant hereto, the Defendants in this action have had full knowledge of Plaintiff's ownership of the Under the Sun I Work, including Plaintiff's exclusive right to use and license such intellectual property and the goodwill associated therewith.

22. Defendants often go to great lengths to conceal their identities by often using multiple fictitious names and addresses to register and operate their massive network of Defendant Merchant Storefronts. Upon information and belief, Defendants regularly create new websites and online marketplace accounts on Temu using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive pirating operation, and to avoid being shut down.

23. The Infringing Products for sale in the Defendant Merchant Storefronts bear similarities and indicia of being related to one another, suggesting that the Infringing Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated.

24. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online infringers use a variety of other common tactics to evade enforcement efforts. For example, infringers like Defendants will often register new online marketplace accounts under new aliases once they receive notice of a lawsuit. Infringers also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2021 U.S. Customs and Border Protection report on seizure statistics indicated that e-commerce sales accounted for 13.3% of total retail sales with second quarter of 2021 retail e-commerce sales estimated at \$222.5 billion. U.S. Customs and Border Protection, *Intellectual Property Right Seizure Statistics, FY 2021* (<https://www.cbp.gov/sites/default/files/assets/documents/2022-Sep/202994%20-%20FY%202021%20IPR%20Seizure%20Statistics%20BOOK.5%20-%20FINAL%20%28508%29.pdf>) at 23. A true and correct copy of CBP's FY 2021 report is attached

hereto as **Exhibit 3**. In FY 2021, there were 213 million express mail shipments and 94 million international mail shipments. *Id.* Nearly 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* at 27. The “overwhelming volume of small packages also makes CBP’s ability to identify and interdict high risk packages difficult.” *Id.* at 23.

25. Further, infringers such as Defendants, typically operate multiple credit card merchant accounts and third-party accounts, such as PayPal, Inc. (“PayPal”) accounts, behind layers of payment gateways so that they can continue operation in spite of Plaintiff’s enforcement efforts. Upon information and belief, Defendants maintain offshore bank accounts and regularly move funds from their PayPal accounts to offshore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore infringers regularly move funds from U.S.-based PayPal accounts to foreign-based bank accounts, such as China-based bank accounts, outside the jurisdiction of this Court.

26. Defendants, without any authorization or license, have knowingly and willfully pirated Plaintiff’s Under the Sun I Work copyright in connection with the advertisement, distribution, offering for sale, and sale of illegal products into the United States and Pennsylvania over the internet. Each Defendant Internet Store offers shipping to the United States, including Pennsylvania, and, on information and belief, each Defendant has offered to sell Infringing Products into the United States, including Pennsylvania.

27. Each Defendant was, and is currently, offering for sale and selling the Infringing Products to the consuming public via Defendants’ online storefronts using their Seller IDs. Defendants provide shipping, have actually shipped, and/or stand ready, willing, and able to ship the Infringing Products to customers located within this Judicial District.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

28. Plaintiff repeats and incorporates by reference herein the allegations contained in the above paragraphs of this Complaint.

29. The Under the Sun I Work and authorized reproductions have significant value and have been produced and created at considerable expense.

30. At all relevant times, Plaintiff has been the holder of the pertinent exclusive rights infringed by Defendants, as alleged hereunder, including but not limited to the Under the Sun I Work, including derivative works. The Under the Sun I Work is the subject of a valid Copyright Registration Certificate issued by the Register of Copyrights. (**Exhibit 1**).

31. Each Defendant, without the permission or consent of Plaintiff, has sold and continues to sell online pirated derivative works of the copyrighted Under the Sun I Work. Each Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under the Copyright Act (17 U.S.C. §101 et seq.).

32. The foregoing acts of infringement constitute a collective enterprise of shared, overlapping facts and have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiff.

33. As a result of each Defendant's infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to relief pursuant to 17 U.S.C. §504 and to Plaintiff's attorneys' fees and costs pursuant to 17 U.S.C. §505.

34. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C.

§§502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing Plaintiff's copyrights and ordering that each Defendant destroy all unauthorized copies.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1) That Defendants, their affiliates, officers, agents, employees, attorneys, 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 the Under the Sun I Work or any reproductions, 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 an authorized reproduction of the Under the Sun I Work or is not authorized by Plaintiff to be sold in connection with the Under the Sun I Work;
- b. passing off, inducing, or enabling others to sell or pass off any product or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the Under the Sun I Work;
- c. further infringing the Under the Sun I Work and damaging Plaintiff's goodwill;
- d. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not authorized by Plaintiff to be sold or offered for sale, and which directly use the Under the Sun I Work images, and which are derived from Plaintiff's copyrights in the Under the Sun I Work; and
- e. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Merchant Storefronts, or any other online marketplace account that is being

used to sell products or inventory not authorized by Plaintiff which are derived from Plaintiff's copyrights in the Under the Sun I Work;

2) Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces, social media platforms, Facebook, YouTube, LinkedIn, Twitter, internet search engines such as Google, Bing, and Yahoo, web hosts for the Defendant Merchant Storefronts, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of products not authorized by Plaintiff which reproduce the Under the Sun I Work or are derived from the Under the Sun I Work, including any accounts associated with the Defendants listed on Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of products not authorized by Plaintiff which are derived from the Under the Sun I Work; and
- c. take all steps necessary to prevent links to the Defendant accounts identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant accounts from any search index;

3) For Judgment in favor of Plaintiff against Defendants that they have: a) willfully infringed Plaintiff's rights in Plaintiff's federally registered copyrights pursuant to 17 U.S.C. §501; and b) otherwise injured the business reputation and business of Plaintiff by Defendants' acts and conduct set forth in this Complaint;

4) For Judgment in favor of Plaintiff against Defendants for actual damages or statutory damages pursuant to 17 U.S.C. §504, at the election of Plaintiff, in an amount to be determined at trial;

- 5) That Plaintiff be awarded Plaintiff's reasonable attorneys' fees and costs; and
- 6) Award any and all other relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury on all claims.

Respectfully submitted,

Dated: January 8, 2026

/s/ Stanley D. Ference III

\_\_\_\_\_  
Stanley D. Ference III

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Attorneys for Plaintiff

**LIST OF EXHIBITS**

- Exhibit 1 Registration certificates for the Plaintiff's Works
- Exhibit 2 Department of Homeland Security, *Combating Trafficking in Counterfeit and Pirated Goods*, Jan. 24, 2020 (<https://www.dhs.gov/publication/combating-trafficking-counterfeit-and-pirated-goods>)
- Exhibit 3 U.S. Customs and Border Protection, *Intellectual Property Right Seizure Statistics*, FY 2021  
(<https://www.cbp.gov/sites/default/files/assets/documents/2022-Sep/202994%20-%20FY%202021%20IPR%20Seizure%20Statistics%20BOOK.5%20-%20FINAL%20%28508%29.pdf>)

**Schedule “A”**

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
1	PopArt Prints	634418222225516
2	ChenXiangLLL local	634418222771301
3	T clothing cgs	634418221178153
4	Wave Picks B	634418220697598
5	RebelCanvas	634418222538009
6	TailoredElegance	634418219370876
7	Huilang DIY	634418220742610
8	Baitashan DIY	634418220936159
9	FFOMKE	634418217805910
10	Fashionable Tshirt	634418217166249
11	AtChenas local	634418222748949
12	Picture Factory	634418220348426
13	R EN Y	634418222614302
14	QingFashionGo local	634418222654109
15	Fantasitic Tshirt	634418220401176
16	WBCap Shop local	634418219571126
17	FASHION MANS	634418217885879
18	Nscols	634418222570429
19	Comfy Haven	634418218683895
20	LINSHAN C	634418219649819
21	QWOAM	634418222257193
22	Txueone	634418220551851
23	Meow Baxiang	634418221190693
24	Trendy Hat Commune aaa	634418222047653
25	Beneonyn	634418222764584
26	YSOXMB	634418222388031
27	BaoZhibai	634418222163195
28	dxueone	634418221736400
29	axueone	634418221431115
30	Zanmose	634418219049849
31	IronHaus	634418222524163
32	zhuanduoduoyes local	634418222266150
33	EROISSD	634418221876085
34	exueone	634418221755435
35	TIDEWEAR	634418220761746
36	ElleWear	634418220363080
37	BM Hat Shop local	634418219376582

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
38	Y DAN DAN	634418220333061
39	Daily T shirt	634418222065160
40	UIOOP CLOTHING	634418222748873
41	Yoolk CLOTHING	634418222828183
42	Teekraft Clothes	634418222198211
43	FLUFFALOO	634418217027592
44	Your Tees	634418220882955
45	HiHypermarket	634418221127256
46	Global Trend Shop	634418220893876
47	NLAAOAD	634418220231424
48	jinhaotanjiaD	634418219288400
49	Glitchmart	634418220487700
50	Aurora Style	634418220014116
51	L BaQueLin	634418221268674
52	LANMUYDDD	634418221283917
53	Shanjiaoren	634418219447166
54	Haven Trove	634418222093186
55	LKDSJFEUS	634418220215580
56	Xmenshirt	634418220105754
57	InkPop Tshirt	634418219345004
58	GULUSE	634418223130682
59	AZMUOUTOP	5649818768175
60	Pretty custom	634418221490059
61	fuweike DIY	634418220935771
62	TPH GOOD	634418221870713
63	TS GNICE	634418216244761
64	JAPPPP	634418220821498
65	naiye tshirt	634418214786066
66	LUCKY FLAVOR	634418217027813
67	Flowers plants and trees	634418220027787
68	Finished labours	634418220265330
69	Tee Bag	634418220193974
70	Tee Muse	634418219972822
71	SkyThread	634418220119139
72	Top Zero	634418214231744
73	GooSoo local	634418215276369
74	Natures Fashion Nest	634418218785535
75	Tee ZX	634418221677852
76	CreateTeeHive	634418222020221

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
77	qiqiping	634418222498893
78	KPW	634418218279856
79	TeeLand	634418220348894
80	TNLTT	634418219176867
81	MyTeeStyle	634418220931886
82	GlimmerMart	634418221919903
83	Captain STUDIO	634418219481709
84	Zhuzh Custom	634418221003707
85	Ski T Show	634418221982727
86	Unique Finds Co	634418223277967
87	Art APT	634418219689455
88	HENYIDAJJ	634418222141869
89	MASTER QUEEN	634418218511084
90	GiftedTees	634418221172338
91	TrendHustle	634418221361737
92	Magical Tshirt	634418217264585
93	Hi turn the whole game around	634418219465531
94	LENGJINGI	634418220241846
95	KJSDSODOL	634418221875738
96	KAZHUMI	634418220665320
97	Verve Sty	634418221643815
98	TRITON MENS	634418222100428
99	BIG Wards	634418219470914
100	Fen Trend	634418219839060
101	Guancedao	634418217236907
102	HaoziTrade	634418219633273
103	HAOZISZ	634418219641781
104	Auora	634418218657587
105	Urbano Ribelle	634418220097275
106	LINFENGOOD	634418218479578
107	TTZOMDFSD	634418218738255
108	Trendzz	634418216914779
109	Pattern customization	634418216254424
110	Yoomir	634418218522449
111	booruii	634418218264201
112	Ostarr	634418218289735
113	XCMPD	634418222318583
114	HYXBVYGXX	634418220264231
115	WXXFDCEE	634418219396739

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
116	AKTGBWZY	634418220061884
117	AAA Fashion trend	634418222044348
118	HENYIDA A	634418222141775
119	UniqueTee Designs	634418218521970
120	incomparables	634418219630172
121	boeroadone	634418223070045
122	goodshopsecond	634418222159436
123	Eaca T shirt	634418220576540
124	Eaca T shirt shop	634418222717283
125	Eaca T shirt two	634418222647236
126	UrbanForge Jie	634418222966582
127	goodshopone	634418222024749
128	Boroad	634418223010401
129	boeroadgood	634418223070331
130	GOOGMAN T	634418220436932
131	Masculine Ink Apparel	634418222529645
132	Stylish Prints Man	634418222550791
133	Stylish Man Shop Two	634418222306391
134	hwryp	634418218884196
135	TWWWG	634418219827211
136	Cedar Sage	634418221499549
137	Zhu Department	634418221492105
138	ChicCorne	634418221258030
139	XIANLUCKY	634418222043541
140	Jiafamen	634418221492570
141	Windsong Shop	634418219574412
142	Charming Nest	634418214317077
143	Big Biger Shop	634418219573254
144	EcoTreasureBox	634418221494336
145	CasaCulinary	634418221496747
146	NimblyNook	634418221495508
147	Nheifuzi shop	634418220735649
148	Hhuahong shop	634418220762452
149	Holiday Life Home	634418212356631
150	FootPad Shop	634418221500500
151	Dus Trading Company	634418221494256
152	Nice Price Home	634418221491930
153	PileHaven	634418221668998
154	HomeWonderland	634418221492938

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
155	Dreamloom	634418221492423
156	Mrain shop	634418219573891
157	JYN Homeshop	634418218862515
158	XUBAI JIAJU	634418218529327
159	Njiancan shop	634418220725548
160	muhudie	634418220761959
161	Nbaihe shop	634418220736142
162	Nlianqiao shop	634418220762915
163	Yunqi Household Products	63483223202
164	Nsuwen shop	634418220735037
165	Big Niubility Shop	634418219570726
166	ChangXing Shop	634418219569954
167	ARTEAK	634418222698030
168	Groovy Sign	634418222197689
169	Groovy Sax	634418221507997
170	MHOOWModern	634418221721470
171	Real Artist	634418217470543
172	Chen Xi Zhi Lian	634418222645951
173	Chen Xi Yus Chen	634418222558683
174	Quality Life Hall X	634418217738365
175	Xi Chen San Dian	634418223339938
176	SewEssence	634418222158371
177	DIYDuds	634418218961191
178	Elegance Choice	634418222767848
179	Meadow Makers	634418219446808
180	JJ Dopamine clothing	634418219877287
181	Mvp Printed TShirt	634418214787100
182	WEURLQ	634418221218658
183	ThreadTee	634418219487496
184	Six six six clothes T	634418221608360
185	Trendy Print Tops Spot	634418222535061
186	SilhouetteChic	634418222568095
187	ZenithPrints	634418221645526
188	Lumina F	634418223614654
189	Jimpassions	634418220766513
190	YF Love life	634418219896294
191	Good Mens Casual Clothing	634418219844302
192	LH designer printed clothing	634418222565925
193	FabricMuseShop	634418217878024

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
194	ColorPop Tees A	634418222187681
195	LH Pomelo costume	634418221836584
196	JHGYHHG	634418218739988
197	Nanbowans	634418219049978
198	jianhaotanjiaI	634418219288576
199	CSHsutiiii	634418222856955
200	CSHsutii	634418222856470
201	PODSMAS	634418222700317
202	JYPINGJING	634418220077389
203	quanjianhaotanE	634418219223146
204	AKAKshop	634418219843190
205	EcoPrintWear	634418222840091
206	HByinhu	634418220632159
207	CSHsutiiii	634418222856843
208	ZELAN Clothing	634418221492397
209	Maveron	634418220764765
210	iuiuy	634418223166255
211	Vintage Vibe Art	634418222844669
212	Climb highA	634418221879737
213	Panilekais	634418220198608
214	CSHsuti	634418222855701
215	ZXMNSDO	634418222257432
216	Tshirt world	634418219862511
217	Clothes tshirt B	634418222606488
218	WUXINYIN	634418221111343
219	maiziwuhao	634418218819746
220	Wave Picks W	634418221609972
221	BMSDSA	634418222388355
222	Ouwenmac	634418218592567
223	sanhuhai	634418220220241
224	Yhei Factory	634418220061249
225	Qinyumo	634418221075770
226	ROBESUNG	634418218562537
227	Monologue Neflibata	634418218420584
228	CSHsutiii	634418222856676
229	Beaurivage	634418221662741
230	LINGXUA	634418221982653
231	SoTee	634418220210488
232	CrispSplash Tee	634418220223916

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
233	RavenCode Tshirt	634418219345314
234	Wysysys	634418218887717
235	Blendz	634418219612159
236	Joshua Evans	634418222490249
237	Beef shopping	634418221366546
238	HipsterFactory	634418216900822
239	JJJ Menswear	634418219367803
240	QzdMenFactory	634418216241747
241	MenQzdWear	634418216797327
242	ZNHUI	634418220062811
243	Stylish Wave	634418220215398
244	BKO	634418219690845
245	DigRat Clothing	634418222377274
246	Gifts Factory local	634418219017556
247	XF fashion trends	634418219430959
248	CZ Hot street	634418219862201
249	ASDLKJBST	634418220195030
250	Emiracle	634418222536708
251	HWARM	634418220230651
252	felebodd	634418218920252
253	feleboxx	634418218934611
254	Naiona	634418221654070
255	HHMshop	634418216246063
256	Laidi Di Oude	634418222462448
257	Xylo Couture	634418220787505
258	Glow Garments	634418223123473
259	Sway Styles	634418223125628
260	Ivory Wardrobe	634418223123592
261	Willow Wardrobe	634418223125772
262	Eclipse Appral	634418223122652
263	Muse Mode	634418223125413
264	Pulse Apparel	634418223125477
265	poel iudos	634418220146200
266	DWWWSHOP	634418219093398
267	keananw	634418220938877
268	CHEN xuan Quality home local	634418217744184
269	AnnHomeArt	634418216943130
270	LocalFashions	634418220505234
271	LHGYHUJIBB	634418219285883

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
272	Luxe Lane Apparel	634418221005484
273	Funny Art Design	634418221073425
274	VogueGarmentShop	634418222322681
275	VVjing	634418219102410
276	RadiantGiftStudio	634418220161388
277	SplendidGiftEmporium	634418220159154
278	DIYTree Designs	634418222677043
279	Mugism	634418221864184
280	Time tries truth	634418220248948
281	Fashion Coordination	634418220082393
282	Time like money	634418220247611
283	Noodles Life	634418220244073
284	Sunny Day Life	634418220237214
285	SPGA	634418217208985
286	zapple	634418214857156
287	JoyfulGiftCorner	634418220158762
288	WERFCBD	634418222927308
289	HOME MIJUE DECOR	634418220090028
290	Keep Warm Yourself	634418221518128
291	sooject	634418219577987
292	Body felt	634418218661219
293	Color three	634418218821429
294	LIAO C one	634418218458352
295	Nuan Yun Fang	634418220008791
296	wangfengweiC	634418218822824
297	FEEL FLY	634418221323294
298	Vesrouter local	634418221360024
299	Meadow blanket	634418221948340
300	DDLIFDBEGF	634418223408219
301	VVLOFPDJEQ	634418223478614
302	OOPSKDUE	634418223406669
303	DDOIODP	634418223406219
304	RRGLCI	634418223406485
305	FFTYPHH	634418223478897
306	VTTYOFG	634418223493921
307	XXHIUPS	634418223493623
308	CPPFDK	634418222982644
309	CCLOFPE	634418223303382
310	FableStitch	634418222370905

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
311	StyleOasis	634418222186531
312	TailorHive	634418219322454
313	ModiFabric	634418222367035
314	Llinsitiepihu	634418221274603
315	DIYThreads	634418219961952
316	UAGVJH	634418222460505
317	SewLuxe	634418219537600
318	FitThreads	634418219537745
319	Allen Wall ART ONE	634418221804721
320	Huakaifugui shop	634418211103563
321	Stellar Stitch	634418220712947
322	VIVI WALL ART ONE	634418214480626
323	Liangen Home Decoration Factory local	634418222652385
324	ZERO ART ONE	634418221806148
325	UDGVJH	634418222998590
326	luskC	634418222556229
327	GSMZQC	634418222728228
328	luskE	634418222556276
329	luskB	634418222556034
330	GSMZQ	634418221868231
331	xxxart PrintsCC	634418222608759
332	Mercone	634418220217820
333	Threadify	634418219522922
334	Palette Stories	634418221627000
335	GeometricPulse Artworks	634418221604459
336	Fei Ou	634418218695231
337	MHOOWDECOR	634418221001814
338	GANMIAGGG	634418219675234
339	GANMIA Tidal Current	634418219675474
340	Framed Elegance	634418220062000
341	DesignNestCo	634418219388932
342	StitchSprk	634418222155229
343	BespokeBreeze	634418219009178
344	guocz	634418220900657
345	YANGDEDE	634418220978088
346	ARTXX	634418222581814
347	ARTYY	634418222569961
348	ARTHH	634418222567991
349	ARTQQ	634418222582224

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
350	HKM shop	634418219077863
351	Oil Colors of Dreams	634418222096456
352	Metal Muse Studio	634418222343302
353	GiftStitcher	634418220369950
354	tingsai	634418218652656
355	TailorBloom	634418222154736
356	TwoTuuu Painting	634418222609303
357	BusunTEMUUU	634418222414478
358	Bargainest	634418221121731
359	CHUHMNC	634418220211090
360	VB Wall Dcor Posters Prints	634418216170995
361	Ancient Warship Fish	634418221703153
362	HHCHAO	634418220924923
363	Gallery Vue	634418219392496
364	Grid Art	634418220017104
365	Dream Home Art Painting	634418222541839
366	Muse Quadrant Decorative Painting	634418223084002
367	GOODJOB SHOP	634418219421069
368	TM POSTER	634418218334592
369	StellarStills	634418223207376
370	LydiaYLH	634418222974350
371	Smit	634418222933025
372	PatchMuse	634418222165040
373	VANTA Fashion	634418217272407
374	Minimal Style	634418217472300
375	Coconut Wall Art	634418218566852
376	Brown Wall Art	634418220934332
377	Ann Art	634418222071518
378	YL Poster Art	634418219970529
379	White Art	634418220348898
380	Pear Wall Art	634418218214696
381	linqianglc	634418222892225
382	Round European Selection	634418223083889
383	guoiahualclc	634418222917678
384	Selection of scientific tools	634418223265506
385	A zhenjianwei	634418223086238
386	B zhenjianwei	634418223087279
387	PrimeSync	634418215859516
388	A BetterLife	634418219504869

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
389	Vvid	634418220239341
390	kmsili a	634418216040827
391	hohohosan	634418219077986
392	DTmug	634418219099615
393	VerdantVerve	634418222599161
394	SolaceStream	634418221940034
395	Small shop across the sea local	634418216315594
396	B Shanepeng	634418223041247