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11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14

15 BACKGRID USA, INC., a  
16 California corporation,

17 Plaintiff,

18 v.

19 JUSTIN BIEBER, an individual; and  
20 DOES 1-10, inclusive,

21 Defendants.  
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Case No.: 2:20-cv-04685

**COMPLAINT FOR:**

**(1) COPYRIGHT  
INFRINGEMENT (17 U.S.C. §  
501)**

**(2) FALSIFICATION OF  
COPYRIGHT  
MANAGEMENT  
INFORMATION (17 U.S.C. §  
1202(A))**

**(3) REMOVAL OF COPYRIGHT  
MANAGEMENT  
INFORMATION (17 U.S.C. §  
1202(B))**

**DEMAND FOR JURY TRIAL**

1 Plaintiff, Backgrid USA, Inc., complains against Defendant Justin Bieber,  
2 an individual, and DOES 1-10 (collectively, “Defendants”) as follows:

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4 **JURISDICTION AND VENUE**

5 1. This is a civil action against Defendants for acts of copyright  
6 infringement under the Copyright Act, 17 U.S.C. §§ 101 *et seq.* and for acts of  
7 falsification and removal of copyright management information in violation of 17  
8 U.S.C. § 1202. This Court has subject matter jurisdiction under 28 U.S.C. §  
9 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a) and (b).

10 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c)  
11 and 28 U.S.C. § 1400(a) in that the claim arises in this judicial district, and, on  
12 information and belief, the Defendants and their agents reside and may be found  
13 in this judicial district, and the injury suffered by Plaintiff took place in this  
14 judicial district. Defendants are subject to the general and specific personal  
15 jurisdiction of this Court because of their contacts with the State of California.

16 **PARTIES**

17 3. Plaintiff Backgrid USA Inc. (“Backgrid”) is a California corporation  
18 existing under the laws of California, with its principal place of business located  
19 in Redondo Beach, California.

20 4. On information and belief, Defendant Justin Bieber (“Bieber” or  
21 “Defendant”) is a resident of Los Angeles, California.

22 5. The true names or capacities, whether individual, corporate or  
23 otherwise, of the Defendants named herein as DOES 1 through 10, inclusive, are  
24 unknown to Plaintiff, who therefore sues said Defendants by such fictitious  
25 names. Plaintiff will ask leave of Court to amend this Complaint and insert the  
26 true names and capacities of said Defendants when the same have been  
27 ascertained.

1 **FACTS COMMON TO ALL COUNTS**

2 *Backgrid and the Photographs that Frame This Dispute*

3 6. Backgrid owns and operates one of Hollywood’s largest celebrity-  
4 photograph agencies that has earned a reputation of regularly breaking scoops on  
5 sought after celebrity news. It owns the intellectual property rights, including the  
6 copyrights, to celebrity photographs that have been licensed to numerous top-tier  
7 outlets, such as TMZ, Entertainment Tonight, New York Post, People Magazine,  
8 Huffington Post, the Daily Mail, as well as many television stations, newspapers  
9 and other prominent media outlets throughout the world. Each license has been  
10 granted for valuable consideration, up to hundreds of thousands of dollars.

11 7. Among many other in-demand photographs, Backgrid owns coveted  
12 photographs of Grammy award winning singer and songwriter Justin Bieber  
13 (hereinafter the “Bieber Photographs”). Bieber has been listed by Forbes as one  
14 of the top ten most powerful celebrities four times and has gained worldwide  
15 attention as a Millennial heartthrob.

16 8. Backgrid filed for copyright registration of certain Bieber  
17 Photographs within 90 days of their first publication with the United States  
18 Copyright Office, registration numbers VA0002165194, VA0002177912,  
19 VA0002177977, VA0002178392, VA0002178393, VA0002179064,  
20 VA0002188241, VA0002190649, VA0002190653, VA0002197548,  
21 VA0002197859, and VA0002197862. All rights, title and interest in the Bieber  
22 Photographs (the photographs at issue in this case), including but not limited to  
23 the copyrights thereon, are owned by Backgrid.

24 *Defendant and His Willful Infringing Activity*

25 9. Bieber is a superstar singer and songwriter who, on information and  
26 belief, has sold 140 million records making him one of the best-selling musical  
27 acts. On information and belief Defendant Bieber is a sophisticated publisher of  
28 intellectual property who has depended on the protections afforded to him by the

1 Copyright Act throughout his career. As such, he is intimately familiar with the  
2 scope and limitations of Copyright protections.

3 10. On information and belief, to keep his fans engaged and to increase  
4 the goodwill of his celebrity, Bieber operates an Instagram account located at  
5 [instagram.com/justinbieber](https://www.instagram.com/justinbieber). Bieber has publicly acknowledged the value of his  
6 Instagram account, once saying “Now there’s, like, no mystery [with  
7 celebrities]—the fans want the connection, they want to see you Instagramming  
8 at a coffee shop in the morning.” To date, Bieber has at least 136 million fans  
9 who receive instant updates to his account when he posts new photographs. Each  
10 posted photograph elicits thousands, and frequently, hundreds of thousands of  
11 comments from fans. Moreover, the account is not private, so anyone, including  
12 those who do not “follow” his account, has access and can view the uploaded  
13 photographs, including the photographs at issue in this lawsuit.

14 11. Bieber violated federal law by willfully infringing Backgrid’s  
15 copyrights to at least 14 photographs on, at least, Bieber’s Instagram account.  
16 Attached hereto as Exhibit A-1 and A-2 and incorporated herein by reference are  
17 true and correct screenshots of Bieber’s Instagram account, including screen  
18 shots of the 14 infringed photographs at issue in this lawsuit.

19 12. Bieber was on notice that his infringement was unlawful and, as  
20 such, his conduct is willful. Among other things, while the parties were  
21 attempting to reach a resolution to the infringement showed in Exhibit A-1, many  
22 months prior to this case being filed, Bieber infringed at least four additional  
23 photographs during those settlement discussions. The new infringements are  
24 shown in Exhibit A-2. Moreover, on information and belief, Bieber has received  
25 complaints from other copyright holders regarding the exact same copyright  
26 infringement conduct involving other photographs. In light of being on notice  
27 that his conduct is unlawful, he continued to infringe.

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1 13. Moreover, Bieber induced, caused, or materially contributed to the  
2 reproduction, distribution and public display of the Bieber Photographs, and  
3 derivatives thereof, all while knowing or having reason to know of the  
4 infringement on his account was without permission, consent, or license. By  
5 uploading the Bieber Photographs to the account, Bieber encourages his fans to  
6 “share” the photographs, thus, causing others to also willfully infringe and  
7 multiplying the harm to Backgrid.

8 14. On information and belief, Bieber operates and controls his  
9 Instagram account at all times relevant to this dispute and financially benefits  
10 from the infringement of the Bieber Photographs displayed thereto. On  
11 information and belief, Bieber has driven significant traffic to his Instagram  
12 account in large part due to the presence of the sought after and searched-for  
13 Bieber Photographs that frame this dispute. All of this traffic translates into  
14 substantial ill-gotten commercial advantage and brand awareness as a direct  
15 consequence of their infringing actions.

16 **FIRST CLAIM FOR RELIEF**

17 **(Copyright Infringement, 17 U.S.C. § 501)**

18 15. Backgrid incorporates hereby reference the allegations in paragraphs  
19 1 through 14 above.

20 16. Backgrid is the owner of all rights, title, and interest in the  
21 copyrights of the Bieber Photographs that frame this dispute, which substantially  
22 consist of material wholly original and which are copyrightable subject matter  
23 under the laws of the United States.

24 17. Backgrid filed for copyright registration of the Bieber Photographs  
25 within 90 days of their first publication with the United States Copyright Office.

26 18. Defendants have directly, vicariously, contributorily and/or by  
27 inducement willfully infringed Backgrid’s copyrights by reproducing, displaying,  
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1 distributing, and utilizing the Bieber Photographs for purposes of trade in  
2 violation of 17 U.S.C. § 501 *et seq.*

3 19. All of the Defendants' acts are and were performed without  
4 permission, license, or consent of Backgrid.

5 20. Backgrid has identified at least 14 instances of infringement by way  
6 of unlawful reproduction and display of Backgrid's photographs (as well as the  
7 unlawful facilitation of other's reproduction of its photographs).

8 21. As a result of the acts of Defendants alleged herein, Backgrid has  
9 suffered substantial economic damage.

10 22. Defendants have willfully infringed, and unless enjoined, will  
11 continue to infringe Backgrid's copyrights by knowingly reproducing, displaying,  
12 distributing, and utilizing its photographs by, among other things, virtue of  
13 Bieber's encouragement of the infringement and financial benefit it receives  
14 Backgrid's copyrights.

15 23. The wrongful acts of Defendants have caused, and are causing,  
16 injury to Backgrid, which cannot be accurately computed, and unless this Court  
17 restrains Defendants from further commission of said acts, Backgrid will suffer  
18 irreparable injury, for all of which it is without an adequate remedy at law.  
19 Accordingly, Backgrid seeks a declaration that Defendants are infringing  
20 Backgrid's copyrights and an order under 17 U.S.C. § 502 enjoining Defendant  
21 from any further infringement.

22 24. The above-documented infringements alone would entitle Backgrid  
23 to a potential award of up to \$2,100,000 in statutory damages for the at-least 14  
24 infringed photographs, in addition to its attorney's fees.

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**SECOND CLAIM FOR RELIEF**

**(Falsification of Copyright Management Information,**

**17 U.S.C. § 1202(a) et seq.)**

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4 25. Plaintiff incorporates here by reference the allegations in paragraphs  
5 1 through 24 above.

6 26. The copyright owner of the work constitutes “copyright  
7 management information” as defined under 17 U.S.C. § 1202(c)(2) & (3).

8 27. The Bieber Photographs are published with the ownership credit.  
9 Defendants falsified CMI, including the the authorship information and the  
10 ownership information by making it appear as though Defendants are the true  
11 owners of the Bieber Photographs.

12 28. As such, Backgrid is informed and believes and on that basis alleges  
13 that Defendants, without the knowledge or authority of Backgrid or the law, and  
14 with the intent to induce, enable, facilitate and/or conceal infringement of  
15 Backgrid’s copyright or, having reasonable grounds to know that it would induce,  
16 enable, facilitate and/or conceal infringement of Backgrid’s copyright,  
17 intentionally falsified and/or caused or induced others to falsify copyright  
18 management information from Backgrid’s Bieber Photographs, and/or distributed  
19 or imported Backgrid’s Bieber Photographs and/or caused or induced others to  
20 distribute or import Backgrid’s Bieber Photographs with knowledge of the  
21 falsification of Backgrid’s copyright management information, and/or distributed  
22 or imported for distribution Bieber Photographs with knowledge of the  
23 falsification of copyright management information in violation of 17 U.S.C. §  
24 1202(a)(1)-(3).

25 29. Defendants’ falsification of copyright management information for  
26 the Bieber Photographs and subsequent distribution and public display of the  
27 Bieber Photographs was willful and intentional, and was and is executed with full  
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1 knowledge of Backgrid’s rights under copyright law, and in disregard of  
2 Backgrid’s rights.

3 30. Backgrid is entitled to recover its actual damages suffered as a result  
4 of the violation and any profits of Defendants attributable to the violation and not  
5 taken into account in computing actual damages, or, at Backgrid’s election,  
6 statutory damages, pursuant to 17 U.S.C. § 1203(c), of up to \$25,000 per act of  
7 falsification.

8 31. Backgrid is entitled to recover costs and attorneys’ fees from  
9 Defendants pursuant to 17 U.S.C. § 1203(b)(4) and (5).

10 32. Defendants’ violation of 17 U.S.C. § 1202(a) has caused, and, unless  
11 restrained by this Court, will continue to cause, irreparable injury to Backgrid not  
12 fully compensable in monetary damages. Pursuant to 17 U.S.C. § 1203(b),  
13 Backgrid is entitled to a preliminary and permanent injunction enjoining  
14 Defendants from further such violations.

15 **THIRD CLAIM FOR RELIEF**

16 **(Removal of Copyright Management Information,**

17 **17 U.S.C. § 1202(b) et seq.)**

18 33. Plaintiff incorporates here by reference the allegations in paragraphs  
19 1 through 32 above.

20 34. The name of, and other identifying information about, the author of  
21 a work and the copyright owner of the work constitutes “copyright management  
22 information” as defined under 17 U.S.C. § 1202(c)(2) & (3).

23 35. In conjunction with their distribution and public display, Defendants  
24 have knowingly removed CMI, including the authorship and ownership  
25 information. By taking off CMI, Defendants knowingly mislead people as to the  
26 author and owner of the Bieber Photographs, and attempt to cover up his own  
27 infringement.

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1           36. As such, Backgrid is informed and believes and on that basis alleges  
2 that Defendants, without the knowledge or authority of Backgrid or the law, and  
3 with the intent to induce, enable, facilitate and/or conceal infringement of  
4 Backgrid's copyright or, having reasonable grounds to know that it would induce,  
5 enable, facilitate and/or conceal infringement of Backgrid's copyright,  
6 intentionally removed and/or caused or induced others to remove copyright  
7 management information from the Bieber Photographs, and/or distributed or  
8 imported the Bieber Photographs and/or caused or induced others to distribute or  
9 import the Bieber Photographs with knowledge of the removal of Backgrid's  
10 copyright management information, and/or distributed or imported for  
11 distribution the Bieber Photographs with knowledge of the removal of copyright  
12 management information in violation of 17 U.S.C. § 1202(b)(1)-(3).

13           37. Defendants' removal and/or alteration of copyright management  
14 information for the Bieber Photographs and subsequent distribution and public  
15 display of the Bieber Photographs was willful and intentional, and was and is  
16 executed with full knowledge of Backgrid's rights under copyright law, and in  
17 disregard of Backgrid's rights.

18           38. Backgrid is entitled to recover its actual damages suffered as a result  
19 of the violation and any profits of Defendants attributable to the violation and not  
20 taken into account in computing actual damages, or, at Backgrid's election,  
21 statutory damages, pursuant to 17 U.S.C. § 1203(c), of up to \$25,000 per act of  
22 removal.

23           39. Backgrid is entitled to recover costs and attorneys' fees from  
24 Defendants pursuant to 17 U.S.C. § 1203(b)(4) and (5).

25           40. Defendants' violation of 17 U.S.C. § 1202(b) has caused, and, unless  
26 restrained by this Court, will continue to cause, irreparable injury to Backgrid not  
27 fully compensable in monetary damages. Pursuant to 17 U.S.C. § 1203(b),  
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1 Backgrid is entitled to a preliminary and permanent injunction enjoining  
2 Defendants from further such violations.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for judgment against Defendants as  
5 follows:

6 1. That the Defendants, and their officers, agents, servants, employees,  
7 and representatives, and all persons in active concert or participation with them,  
8 be permanently enjoined from copying, reproducing, displaying, promoting,  
9 advertising, distributing, or selling, or any other form of dealing or transaction in,  
10 any and all Photos of Backgrid;

11 2. That an accounting be made for all profits, income, receipts or other  
12 benefit derived by Defendants from the unlawful reproduction, copying, display,  
13 promotion, distribution, or sale of products and services, or other media, either  
14 now known or hereafter devised, that improperly or unlawfully infringes upon  
15 Plaintiff's copyrights pursuant to 17 U.S.C. § 504 (a)(1) & (b) and 17 U.S.C. §  
16 1203(c)(1)(A) & (c)(2);

17 3. For actual damages and disgorgement of all profits derived by  
18 Defendants from their acts of copyright infringement, removal, and for all  
19 damages suffered by it by reasons of Defendant's acts, under 17 U.S.C. § 504  
20 (a)(1) & (b) and 17 U.S.C. § 1203(c)(1)(A) & (c)(2);

21 5. For statutory damages for copyright infringement, including willful  
22 infringement, in accordance with 17 U.S.C. § 504(a)(2) & (c), and for  
23 falsification and removal of copyright management information, in accordance  
24 with 17 U.S.C. § 1203(c)(1)(A) & (c)(2);

25 6. For reasonable attorneys' fees incurred herein pursuant to 17 U.S.C.  
26 § 505 and 1203(b)(5);

27 7. For costs and interest pursuant to 17 U.S.C. § 504 (a)(1) & (b), 17  
28 U.S.C. § 505, and 17 U.S.C. § 1203(b)(4); and

1           8.     For any such other and further relief as the Court may deem just and  
2 appropriate.

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Dated: May 26, 2020

**ONE LLP**

/s/ Joanna Ardalan\_\_\_\_\_

Joanna Ardalan

Attorneys for Plaintiff  
Backgrid USA, Inc.

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**DEMAND FOR JURY TRIAL**

Plaintiff Backgrid USA, Inc., hereby demands trial by jury of all issues so triable under the law.

Dated: May 26, 2020

**ONE LLP**

/s/ Joanna Ardalan

Joanna Ardalan

Attorneys for Plaintiff  
Backgrid USA, Inc.