COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, JONAS JÖDICKE ("Jödicke" or "Plaintiff"), brings this complaint in the United States District Court for the Central District of California against AARON CARTER ("Carter" or "Defendant"), alleging as follows:

PARTIES

- 1. Plaintiff is a digital artist specializing in majestic animals and magical scenes. Plaintiff's work has been licensed and published throughout the world. A partial client list includes: Ravensburger, Walmart, Adobe, Winsor & Newton, Chameleon Art products, Daniel Wellington, Diamond Art Club, and Electrothreads. Plaintiff resides Berlin, Germany.
- On information and belief, Carter is a rapper, songwriter, actor, dancer, and record producer. Carter resides at 42236 Blueflax Avenue, Lancaster, California, 93536.
 Carter's business office is 8549 Wilshire Boulevard, #1076, Beverly Hills, California, 90211

JURISDICTION AND VENUE

- 3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
- 4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
- 5. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b), because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.
- 6. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

- 7. Plaintiff created the illustration, "Brotherhood" ("Copyrighted Illustration") on September 1, 2015. [Exhibit 1]. Plaintiff created Copyrighted Illustration in approximately twelve (12) hours using Photoshop CC on a Wacom tablet.
- 8. On September 5, 2015, Plaintiff posted Copyrighted Illustration to www.instagram.com/p/7QnDHxIOVf (Last visited April 1, 2020). [Exhibit 2].
- 9. Plaintiff posted Copyrighted Illustration with the following copyright information: © FACEBOOK.COM/JOJOEART. [Exhibit 3].
- 10. On January 17, 2020, Defendant copied and posted Copyrighted Illustration to the Carter's Twitter feed, www.twitter.com/aaroncarter (Last visited April 1, 2020). [Exhibit 4].
- 11. Defendant used Copyrighted Illustration to advertise the sale of hoodies available on www.aaroncarter.com. [Exhibit 4].
- 12. Carter has 620,000 followers to his Twitter feed. [Exhibit 5].

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- 13. On January 18, 2020, Plaintiff notified Carter of the unlicensed use of Copyrighted 15 Illustration. [Exhibit 6]. 16
 - 14. On January 18, 2020, Carter responded by refusing to remove Copyrighted Illustration from his Twitter feed. [Exhibit 7].
 - 15. Plaintiff registered Copyrighted Illustration with the United States Copyright Office on February 26, 2020 (Registration No.: VA 2-196-134). [Exhibit 8].
- 16. On March 20, 2020, Defendant copied and posted Copyrighted Illustration to Carter's Twitter feed, www.twitter.com/aaroncarter. [Exhibit 9]. 22
- 17. Defendant used Copyrighted Illustration as the profile image for Carter's Twitter 23 feed. [Exhibit 9]. 24
 - 18. In all instances described above, Defendant copied and posted Copyrighted Illustration without license nor permission from Plaintiff.

COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

- 19. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.
- 20. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Illustration, which is the subject of a valid and complete Certificate of Copyright Registration by the Register of Copyrights.
- 21. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce and distribute Copyrighted Illustration to the public.
- 22. Plaintiff is informed and believes Defendant, without the permission or consent of Plaintiff, copied and used Copyrighted Illustration on Carter's Twitter feed, www.twitter.com/aaroncarter. In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.
- 23. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
- 24. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual and statutory damages, including any profits realized by Defendant attributable to the infringement, pursuant to 17 U.S.C. § 504 for Defendant's infringement of Copyrighted Illustration.

COUNT II: CONTRIBUTORY INFRINGEMENT

- 25. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly made available Copyrighted Illustration to third party publishers by posting active links to social media companies immediately adjacent to Copyrighted Illustration.
- 26. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, had knowledge or reason to know of such contributory infringement.

27. As a result of Defendant's actions, Plaintiff is entitled to actual damages or such other and further relief as is just and proper.

COUNT III: REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION PURSUANT TO 17 U.S.C. § 1202

- 28. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, intentionally removed the copyright management information from Plaintiff's Copyrighted Illustration before displaying Copyrighted Illustration on PRP's commercial website, www.twitter.com/aaroncarter. In doing so, Defendant violated 17 U.S.C. § 1202(a)(1) and (b)(1).
- 29. As a result of Defendant's actions, Plaintiff is entitled to actual damages or statutory damages pursuant to 17 U.S.C. § 1203(c). Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendants' unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Illustration without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendant intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;
- D. Awarding Plaintiff actual and/or statutory damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and
- F. Awarding Plaintiff such other and further relief as is just and proper.

1 **JURY DEMAND** 2 Plaintiff hereby demands a trial by jury on all claims for which there is a right to 3 jury trial. 4 5 6 Dated: August 31, 2020 REESE LLP 7 /s/ Michael R. Reese 8 Michael R. Reese 100 West 93rd Street, 16th Floor 9 New York, New York Telephone: (212) 643-0500 10 Facsimile: (212) 253-4272 11 Email: mreese@reesellp.com 12 REESE LLP 13 George V. Granade (SBN 316050) 14 8484 Wilshire Boulevard, Suite 515 Los Angeles, California 90211 15 Telephone: (310) 393-0070 16 Email: ggranade@reesellp.com 17 - and -18 David C. Deal 19 The Law Office of David C. Deal, P.L.C. 20 P.O. Box 1042 Crozet, Virginia 22932 21 Telephone: (434) 233-2727 22 Email: david@daviddeal.com 23 Counsel for Plaintiff 24 25 26 27 28



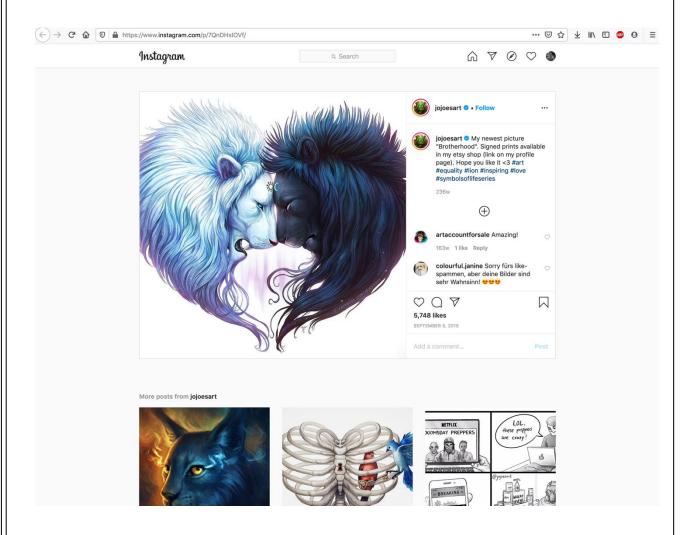


EXHIBIT 3



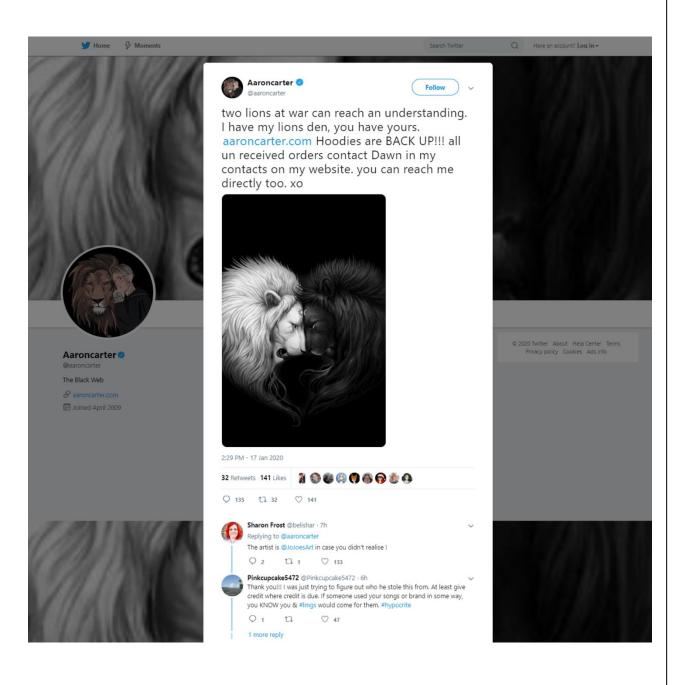


EXHIBIT 5



EXHIBIT 6





