

BARSHAY SANDERS, PLLC
Craig B. Sanders (Cal Bar 284397)
100 Garden City Plaza, Suite 500
Garden City, NY 11530
Tel: (516) 203-7600
Email: csanders@barshaysanders.com
Attorneys for Plaintiff
File No.: 121958

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Integral Images, Inc.,

Plaintiff,

v.

Dua Lipa,

Defendant.

Case No:

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Integral Images, Inc. (*“Plaintiff”*), by and through its undersigned counsel, for its Complaint against defendant Dua Lipa (*“Defendant”*) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement.
2. Plaintiff herein creates photographic images and owns the rights to these images which Plaintiff licenses for various uses including online and print publications.
3. Plaintiff has obtained U.S. copyright registrations covering many of Plaintiff's images and many others are the subject of pending copyright applications.

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FACTS COMMON TO ALL CLAIMS

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2 11. Plaintiff is a professional photography business which is the legal
3 and rightful owner of photographs which Plaintiff licenses to online and print
4 publications.

5 12. Plaintiff has invested significant time and money in building
6 Plaintiff's photograph portfolio.

7 13. Plaintiff has obtained active and valid copyright registrations from
8 the United States Copyright Office (the "USCO") which cover many of Plaintiff's
9 photographs while many others are the subject of pending copyright applications.

10 14. Plaintiff's photographs are original, creative works in which
11 Plaintiff's own protectable copyright interests.

12 15. The Account is monetized in that it contains content designed to
13 accumulate followers who are directed to, via link and/or advertisement, consume
14 and purchase Defendant's content, Defendant profits from these activities.

15 16. On or about February 3, 2019, Plaintiff Integral Images, Inc.
16 authored a photograph of Dua Lipa (the "Photograph"). A copy of the Photograph
17 is attached hereto as Exhibit 1.

18 17. Plaintiff applied to the USCO to register the Photograph on February
19 20, 2019 under Application No. 1-7437362240.

20 18. The Photograph was registered by USCO on February 20, 2019
21 under Registration No. VA 2-139-800.

22 19. On or about February 7, 2019, Plaintiff observed the Photograph on
23 the Account. A copy of screengrab of Account including the Photograph is
24 attached hereto as Exhibit 2.

25 20. The Photograph was displayed at URL:
26 https://www.instagram.com/p/BtbdXZRBNFi/?utm_source=ig_embed.

27 21. Without permission or authorization from Plaintiff, Defendant
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1 volitionally selected, copied, stored and/or displayed Plaintiff copyright protected
2 Photograph as set forth in Exhibit “1” which is annexed hereto and incorporated
3 in its entirety herein, on the Account.

4 22. On information and belief, the Photograph was copied, stored and
5 displayed without license or permission, thereby infringing on Plaintiff's
6 copyrights (hereinafter the “*Infringement*”).

7 23. The Infringement includes a URL (“*Uniform Resource Locator*”) for
8 a fixed tangible medium of expression that was sufficiently permanent or stable
9 to permit it to be communicated for a period of more than transitory duration and
10 therefore constitutes a specific infringement. *17 U.S.C. §106(5); Perfect 10, Inc.*
11 *v. Amazon.com, Inc.* 508 F.3d 1146, 1160 (9th Cir. 2007).

12 24. The Infringement is an exact copy of the entirety of Plaintiff's
13 original image that was directly copied and stored by Defendant on the Account.

14 25. On information and belief, Defendant takes an active and pervasive
15 role in the content posted on its Account, including, but not limited to copying,
16 posting, selecting, commenting on and/or displaying images including but not
17 limited to Plaintiff's Photograph.

18 26. On information and belief, the Photograph was willfully and
19 volitionally posted to the Account by Defendant.

20 27. On information and belief, Defendant is not registered with the
21 United States Copyright Office pursuant to 17 U.S.C. §512.

22 28. On information and belief, the Infringement were not posted at the
23 direction of a “user” as that term is defined in 17 U.S.C. §512(c).

24 29. On information and belief, Defendant was aware of facts or
25 circumstances from which the determination regarding the Infringement was
26 apparent. Defendant cannot claim that it was not aware of the infringing activities,
27 including the specific Infringement which form the basis of this complaint, since
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1 such a claim would amount to only willful blindness to the Infringement on the
2 part of Defendant.

3 30. On information and belief, Defendant engaged in the Infringement
4 knowingly and in violation of applicable United States Copyright Laws.

5 31. On information and belief, Defendant has the legal right and ability
6 to control and limit the infringing activities on its Account and exercised and/or
7 had the right and ability to exercise such right.

8 32. On information and belief, Defendant monitors the content on its
9 Account.

10 33. On information and belief, Defendant has received a financial benefit
11 directly attributable to the Infringement.

12 34. On information and belief, the Infringement increased traffic to the
13 Account and, in turn, caused Defendant to realize an increase its advertising
14 revenues and/or merchandise sales.

15 35. On information and belief, a large number of people have viewed the
16 unlawful copies of the Photograph on the Account.

17 36. On information and belief, Defendant at all times had the ability to
18 stop the reproduction and display of Plaintiff's copyrighted material.

19 37. Defendant's use of the Photograph, if widespread, would harm
20 Plaintiff's potential market for the Photograph.

21 38. As a result of Defendant's misconduct, Plaintiff has been
22 substantially harmed.

23 **FIRST COUNT**

24 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

25 39. Plaintiff repeats and incorporates by reference the allegations
26 contained in the preceding paragraphs, as though set forth in full herein.

27 40. The Photograph is an original, creative works in which Plaintiff owns
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1 valid copyright properly registered with the United States Copyright Office.

2 41. Plaintiff has not licensed Defendant the right to use the Photograph
3 in any manner, nor has Plaintiff assigned any of its exclusive rights in the
4 copyrights to Defendant.

5 42. Without permission or authorization from Plaintiff and in willful
6 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
7 illegally copied, stored, reproduced, distributed, adapted, and/or publicly
8 displayed works copyrighted by Plaintiff thereby violating one of Plaintiff's
9 exclusive rights in its copyrights.

10 43. Defendant's reproduction of the Photograph and display of the
11 Photograph constitutes willful copyright infringement. *Feist Publications, Inc. v.*
12 *Rural Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).

13 44. Plaintiff is informed and believes and thereon alleges that the
14 Defendant willfully infringed upon Plaintiff's copyrighted Photograph in violation
15 of Title 17 of the U.S. Code, in that they used, published, communicated, posted,
16 publicized, and otherwise held out to the public for commercial benefit, the
17 original and unique Photograph of the Plaintiff without Plaintiff's consent or
18 authority, by using them in the infringing articles on the Account.

19 45. As a result of Defendant's violations of Title 17 of the U.S. Code,
20 Plaintiff is entitled to any an award of actual damages and disgorgement of all of
21 Defendant's profits attributable to the infringements as provided by 17 U.S.C. §
22 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an
23 award for statutory damages against each Defendant in an amount up to
24 \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

25 46. As a result of the Defendant' violations of Title 17 of the U.S. Code,
26 the court in its discretion may allow the recovery of full costs as well as reasonable
27 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.
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f. for any other relief the Court deems just and proper.

DATED: July 6, 2021

BARSHAY SANDERS, PLLC

By: /s/ Craig B. Sanders
Craig B. Sanders, Esq. (Cal Bar 284397)
100 Garden City Plaza, Suite 500
Garden City, NY 11530
Tel: (516) 203-7600
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