

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 24-cv-21606

GREEN STUFF WORLD, S.L.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE
A,

Defendants.

COMPLAINT

Plaintiff, Green Stuff World, S.L. (“Plaintiff” or “Green Stuff World”), hereby alleges as follows against the individuals, corporations, limited liability companies, partnerships, and unincorporated associations identified on Schedule A (collectively, “Defendants”):

INTRODUCTION

1. This action has been filed by Plaintiff to combat online infringers who trade upon Plaintiff’s reputation and goodwill by selling and/or offering for sale products in connection with Plaintiff’s copyright, which is covered by at least U.S. Copyright Office Registration No. VA 1-503-696, being a registration for the brush rinser itself (the “GREEN STUFF WORLD Copyright Registration”).

2. The GREEN STUFF WORLD Copyright Registration is valid, subsisting, and in full force and effect. A true and correct copy of the federal copyright registration certificate for the GREEN STUFF WORLD Copyright Registration is attached hereto as **Exhibit 1**. The Defendants

likewise advertise, market and/or sell their unauthorized and illegal products embodying Plaintiff's copyright by reference to the same name and design as the Plaintiff's genuine products, which causes further confusion and deception in the marketplace.

3. The Defendants create numerous fully interactive commercial internet stores operating under the Defendant Domain Names and/or the Online Marketplace Accounts identified in Schedule A (collectively, the "Defendant Internet Stores"). The Defendants design the Defendant Internet Stores to appear to be selling genuine Plaintiff products, while selling inferior imitations of Plaintiff's products. The Defendant Internet Stores 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. In addition, questions of law or fact common to all defendants will arise in this action because of the application of at least the GREEN STUFF WORLD Copyright Registration to the Defendants, and the similarities of each of the infringing products and design elements of the infringing products, as well as how they are marketed. 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' infringement of Plaintiff's copyright, as well as to protect unknowing consumers from purchasing unauthorized GREEN STUFF WORLD products over the Internet. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of their valuable copyrights and goodwill as a result of Defendants' actions and seek injunctive and monetary relief.

4. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Florida and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Florida and in this

Judicial District. In addition, each Defendant has offered to sell and ship infringing products into this Judicial District.

JURISDICTION AND VENUE

5. This Court has original subject matter jurisdiction over the copyright claim pursuant to the Copyright Laws of the United States, 17 U.S.C. § 101 et seq., 28 U.S.C. § 1338(a)–(b), and 28 U.S.C. § 1331.

6. This Court has jurisdiction over the unfair deceptive trade practices claim in this action that arise under the laws of the State of Florida pursuant to 28 U.S.C. § 1367(a) because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants, because each of the Defendants directly targets consumers in the United States, including Florida, through at least Defendant Internet Stores. Specifically, Defendants are reaching out to do business with Florida residents by operating one or more commercial, interactive Internet Stores through which Florida residents can purchase unauthorized and illegal products embodying Plaintiff's copyright. Each of the Defendants has targeted sales from Florida residents by operating online stores that offer shipping to the United States, including Florida, accept payment in U.S. dollars, and, on information and belief, has sold unauthorized and illegal products embodying Plaintiff's federally registered copyright to residents of Florida. Each of the Defendants is committing tortious acts in Florida, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Florida. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a) because Defendants have

committed acts of copyright infringement in this judicial district, do substantial business in the judicial district, have registered agents in this judicial district, and reside or may be found in this district.

THE PLAINTIFF

8. Plaintiff Green Stuff World is a company organized under the laws of Spain with offices in Alicante, Spain and is the owner of the GREEN STUFF WORLD Copyright Registration with its federal registration attached as Exhibit 1.

9. In February 2022, Plaintiff Green Stuff World designed, caused to subsist in material form and first published the original GREEN STUFF WORLD Brush Rinser product, and instantly attracted substantial international media attention and success. In 2022, GREEN STUFF WORLD applied for the registration of the now federally registered GREEN STUFF WORLD Copyright Registration in respect of the copyright displaying the GREEN STUFF WORLD product itself (the “GREEN STUFF WORLD Products”). The effective date of the GREEN STUFF WORLD Copyright Registration is March 28, 2023. An exemplary unit of the GREEN STUFF WORLD Products was deposited with the United States Copyright Office and remains available for inspection there. For ease of reference, please see below exemplary GREEN STUFF WORLD Products as marketed and/or sold on www.greenstuffworld.com still available for sale today, as part of the wider GREEN STUFF WORLD Products range (also as shown below):

**BRUSH RINSER**

Reference 8435646506234ES

Rating ★★★★★ Read reviews (6)

Brush Rinser | Paint Brush Cleaner tool

Copyright © 2022 Green Stuff World SL. All Rights Reserved.

~~\$16.45~~ **\$13.16** Save 20%

Quantity

1



Add to cart

100% secure payments

PINK BRUSH RINSER

Reference 8435646512921ES

Rating ★★★★★ Read reviews (3)

Pink Brush Rinser | Paint Brush Cleaner tool

Copyright © 2022 Green Stuff World SL. All Rights Reserved.

~~\$16.45~~ **\$13.16** Save 20%

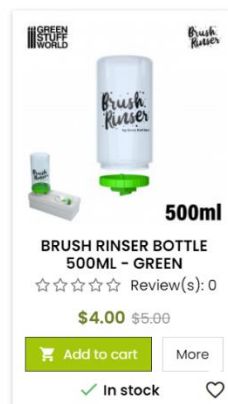
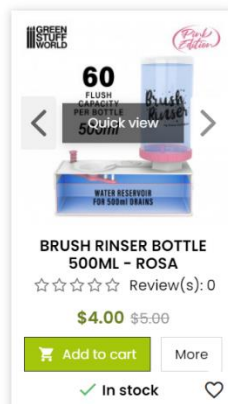
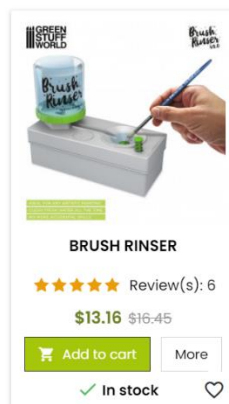
Quantity

1



Add to cart

100% secure payments



10. From February 2022 to the present, Plaintiff GREEN STUFF WORLD has been the official source of the genuine GREEN STUFF WORLD Products in the United States.

11. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the GREEN STUFF WORLD Products. As a result, the GREEN STUFF WORLD Products are widely recognized and exclusively associated by consumers, the public, and the trade as being product sourced from Plaintiff.

12. Plaintiff own all rights, including without limitation, the rights to reproduce the copyrighted works in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, in various copyrights for the GREEN STUFF WORLD Products as either the owner and/or licensee of the GREEN STUFF WORLD copyrights, including without limitation copyrights covered by the GREEN STUFF WORLD Copyright Registration, as set out above.

THE DEFENDANTS

13. Defendants are individuals and business entities who, upon information and belief, reside mainly in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Florida and in this Judicial District, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Florida, and has offered to sell and, on information and belief, has sold and continues to sell infringing GREEN STUFF WORLD Products to consumers within the United States, including Florida and in this Judicial District.

THE DEFENDANTS' UNLAWFUL CONDUCT

14. The success of the GREEN STUFF WORLD brand has resulted in its infringement. Plaintiff has identified numerous domain names linked to fully interactive websites and marketplace listings on platforms including, but not limited to, Alibaba, AliExpress, Amazon, eBay, Temu, and Wish, including the Defendant Internet Stores, which were offering for sale, selling, and importing infringing GREEN STUFF WORLD Products to consumers in this Judicial District and throughout the United States. Defendants have persisted in creating the Defendant Internet Stores. Internet websites like the Defendant Internet Stores are estimated to receive tens of millions of visits per year and to generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price ("MSRP") of goods seized by the U.S. government in fiscal year 2017 was over \$1.2 billion. Internet websites like the Defendant Internet Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year.

15. On information and belief, Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling the genuine GREEN STUFF WORLD Products. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards, Western Union, and PayPal. Defendant Internet Stores often include images and design elements that make it very difficult for consumers to distinguish such infringing sites from an authorized website. Defendants further perpetuate the illusion of legitimacy by offering "live 24/7" customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos.

16. Plaintiff has not licensed or authorized Defendants to use the GREEN STUFF WORLD Copyright Registration, and none of the Defendants are authorized retailers of the genuine GREEN STUFF WORLD Products.

17. On information and belief, Defendants use other unauthorized search engine optimization (“SEO”) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for the genuine GREEN STUFF WORLD Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down. As such, Plaintiff also seeks to disable Defendant Domain Names owned by Defendants that are the means by which the Defendants could continue to sell infringing GREEN STUFF WORLD Products into this District.

18. On information and belief, Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. For example, it is common practice for infringers to register their domain names with incomplete information, randomly typed letters, or omitted cities or states, as Defendants here have done. And many Defendant Domain Names use privacy services that conceal the owners’ identity and contact information. On information and belief, Defendants regularly create new websites and Online Marketplace Accounts on various platforms 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 infringement operation, and to avoid being shut down.

19. On information and belief, even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, some of the Defendant websites have virtually identical layouts, even though different aliases were used to register the respective domain names. In addition, the infringing GREEN STUFF WORLD Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the infringing GREEN STUFF WORLD Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same domain name registration patterns, unique shopping cart platforms, accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

20. 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 domain names or Online Marketplace Accounts under new aliases once they receive notice of a lawsuit.¹ Infringers also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring take down demands sent

¹ <https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-about-counterfeit-goods-during> (noting counterfeiters are adept at “setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites”) (last visited April 25, 2024).

by brand owners.² Infringers also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2012 U.S. Customs and Border Protection report on seizure statistics indicated that the Internet has fueled “explosive growth” in the number of small packages of counterfeit goods shipped through the mail and express carriers.

21. Further, infringers such as Defendants typically operate multiple credit card merchant accounts and PayPal accounts behind layers of payment gateways so that they can continue operation despite Plaintiff’s enforcement efforts. On information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore 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 outside the jurisdiction of this Court.

22. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use the GREEN STUFF WORLD Copyright Registration in connection with the advertisement, distribution, offering for sale, and sale of infringing GREEN STUFF WORLD Products into the United States and Florida over the Internet, and by reference to the same name as the original GREEN STUFF WORLD Products, is marketed. Each Defendant Internet Store offers shipping to the United States, including Florida and, on information and belief, each Defendant has offered to sell infringing GREEN STUFF WORLD Products into the United States, including Florida.

² While discussed in the context of false pharma supply chains, rogue internet servers and sellers are a well-known tactic that have even been covered in congressional committee hearings. <https://www.govinfo.gov/content/pkg/CHRG-113hhrg88828/html/CHRG-113hhrg88828.htm> (last visited April 9, 2021).

23. Defendants' use of the GREEN STUFF WORLD Copyright Registration in connection with the advertising, distribution, offering for sale, and sale of infringing GREEN STUFF WORLD Products, including the sale of infringing GREEN STUFF WORLD Products into Florida, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)

24. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1–23 of this Complaint.

25. Plaintiff owns all exclusive rights, including without limitation the rights to reproduce the copyrighted work in copies, to prepare derivative works based upon the copyrighted work, and to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending, in various copyrights for the GREEN STUFF WORLD Products as either the owner and/or licensee of the GREEN STUFF WORLD copyrights, including without limitation copyrights covered by the GREEN STUFF WORLD Copyright Registration.

26. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the GREEN STUFF WORLD copyrights without Plaintiff's permission.

27. Defendants had access to the GREEN STUFF WORLD Products incorporating Plaintiff's registered copyright before Defendants created their Defendant Internet Stores.

28. Upon information and belief, Defendants have directly copied Plaintiff's registered copyright for the GREEN STUFF WORLD Products. Alternatively, Defendants' representations of Plaintiff's registered copyright for the GREEN STUFF WORLD Products in the Defendant Internet Stores are strikingly similar, or at the very least substantially similar, to Plaintiff's

copyrights for the GREEN STUFF WORLD Products and constitute unauthorized copying, reproduction, distribution, creation of a derivative work, and/or public display of Plaintiff's copyrights for the GREEN STUFF WORLD Products. As just one example, Defendants deceive unknowing consumers by using the GREEN STUFF WORLD copyrights without authorization within the product descriptions of their Defendant Online Store to attract customers as follows:



Infringing GREEN STUFF WORLD Products sold on exemplary Defendant Online Store

compared to



Genuine GREEN STUFF WORLD Brush Rinser the subject of the federally registered GREEN STUFF WORLD Copyright Registration

29. Defendants' exploitation of Plaintiff's copyrights for the GREEN STUFF WORLD Products in the Defendant Internet Stores constitutes infringement of Plaintiff's copyrights for the GREEN STUFF WORLD Products.

30. On information and belief, Defendants' infringing acts were willful, deliberate, and committed with prior notice and knowledge of Plaintiff's copyrights. Each Defendant willfully, wantonly, and in conscious disregard and intentional indifference to the rights of Plaintiff made and distributed in the United States, including this District, caused to be made and distributed in the United States, including this District, and aided, abetted, contributed to, and participated in the

unauthorized making and distribution of the infringing Defendant Online Stores. Each Defendant either knew, or should have reasonably known, that Plaintiff's GREEN STUFF WORLD Products were protected by copyright and their representations infringed on Plaintiff's copyrights. Each Defendant continues to infringe upon Plaintiff's rights in and to the copyrighted work.

31. As a direct and proximate result of their wrongful conduct, Defendants have realized and continue to realize profits and other benefits rightfully belonging to Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17 U.S.C. § 504.

32. In addition to Plaintiff's actual damages, Plaintiff is entitled to receive the profits made by the Defendants from their wrongful acts, pursuant to 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains, profits, and advantages derived by each Defendant from their acts of infringement.

33. In the alternative, Plaintiff is entitled to, and may elect to choose statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

34. Plaintiff is entitled to, and may elect to choose, injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by Defendants of their infringing work and for an order under 17 U.S.C. § 503 that any of Defendants' infringing products be impounded and destroyed.

35. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

36. Plaintiff has no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to their reputation and the goodwill of their well-known GREEN STUFF WORLD copyrights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them as follows:

1. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, 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 GREEN STUFF WORLD Copyright Registration or any reproductions, infringing 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 a genuine GREEN STUFF WORLD Products or is not authorized by Plaintiff to be sold in connection with the GREEN STUFF WORLD Copyright Registration;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine GREEN STUFF WORLD Products or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the GREEN STUFF WORLD Copyright Registration;

c. committing any acts calculated to cause consumers to believe that Defendants' infringing GREEN STUFF WORLD Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;

d. further infringing the GREEN STUFF WORLD Copyright Registration and damaging Plaintiff's goodwill;

e. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory

not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which copy any Plaintiff copyright, including the GREEN STUFF WORLD Copyright Registration or any reproductions, infringing copies, or colorable imitations thereof;

f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or Online Marketplace Account that is being used to sell or is the means by which Defendants could continue to sell infringing GREEN STUFF WORLD products; and

g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product embodying the GREEN STUFF WORLD Copyright Registration or any reproduction, infringing copy, or colorable imitation thereof that is not a genuine GREEN STUFF WORLD Product or not authorized by Plaintiff to be sold in connection with the GREEN STUFF WORLD Copyright Registration.

2. That Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendants have complied with paragraph 1 above;

3. Entry of an Order that, at Plaintiff's choosing, the registrant of the Defendant Domain Names shall be changed from the current registrant to Plaintiff, and that the domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection, and that the domain name registrars take any steps necessary to transfer the Defendant

Domain Names to a registrar of Plaintiff's selection; or that the same domain name registries shall disable the Defendant Domain Names and make them inactive and untransferable;

4. 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 such as Wish, Amazon, PayPal and Alibaba Group Holding Ltd., Alipay.com Co., Ltd., and any related Alibaba entities (collectively, "Alibaba"), social media platforms such as Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall:

a. disable and cease providing services for any accounts through which Defendants engage in the sale of infringing GREEN STUFF WORLD Products displaying the GREEN STUFF WORLD Copyright Registration, 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 infringing GREEN STUFF WORLD Products displaying and embodying the GREEN STUFF WORLD Copyright Registration; and

c. take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index.

5. That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged.

6. In the alternative, that Plaintiff be awarded statutory damages of not less than \$750 and not more than \$30,000 for each and every infringement of Plaintiff's copyrights pursuant to 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by 17 U.S.C.

§ 504(c)(2) because of Defendants' willful copyright infringement;

7. That Plaintiff be awarded its reasonable attorneys' fees and costs; and

8. Award any and all other relief that this Court deems just and proper.

Dated: April 25, 2024

Respectfully submitted,

BOIES SCHILLER FLEXNER LLP

/s/ Marshall Dore Louis

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