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9 SPLASH NEWS AND PICTURE AGENCY, LLC

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

12 SPLASH NEWS AND PICTURE  
13 AGENCY, LLC,

14 *Plaintiff,*

15 v.

16 JESSICA SIMPSON, an individual,  
17 REALITY TV WORLD, an entity of  
18 unknown type, and DOES 1 through 10,

19 *Defendants.*

Case No.: 2:17-cv-591

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

*Jury Trial Demanded*

20  
21  
22 Plaintiff Splash News and Picture Agency, LLC, for its Complaint against  
23 defendants Jessica Simpson, Reality TV World, and Does 1 through 10, alleges as  
24 follows:

25 1. This is an action for copyright infringement brought by plaintiff, the  
26 holder of the copyright to the photograph described below, against all defendants for  
27 uses of plaintiff’s photograph without authorization or permission.  
28

**JURISDICTION AND VENUE**

2. This is an action for injunctive relief, statutory damages, monetary damages, and interest under the copyright law of the United States.

3. This action arises under the Copyright Act of 1976, Title 17 U.S.C. § 101 et seq.

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 (federal question), § 1338 (copyright), and 17 U.S.C. § 1203 (alteration or removal of copyright management information).

5. This Court has personal jurisdiction over defendant Jessica Simpson because, on information and belief, she is a resident of the State of California and this judicial district and, on information and belief, is also doing business in the State of California and in this judicial district. This Court has personal jurisdiction over defendant Reality TV World because, on information and belief, it is doing business in this judicial district, or has purposely directed its activities, and particularly its activities giving rise to the claims-in-suit, toward this State.

6. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1400(a).

**PARTIES**

7. Plaintiff Splash News and Picture Agency, LLC is an entity organized and existing under the laws of the nation of the State of Nevada with its principal place of business in Los Angeles, in this judicial district.

8. Plaintiff is the world’s leading celebrity and breaking news agency, licensing images, video, and stories to top publishers around the world, including in the United States and in California.

9. Defendant Jessica Simpson is a singer, actress, and clothing designer, creator of the fashion brand and collection known as The Jessica Simpson Collection. On information and belief, Simpson is a resident of Hidden Hills, a city in Los Angeles County in this judicial district.

1 10. Defendant Reality TV World is an online media business entity of  
2 unknown type that operates the website [www.realitytvworld.com](http://www.realitytvworld.com). According to its  
3 website, Reality TV World is “the Internet’s leading resource for reality television  
4 news and information.”

5 11. Defendants DOES 1 through 10, inclusive, are other parties not yet  
6 identified who have infringed plaintiff’s copyrights, have contributed to the  
7 infringement of plaintiff’s copyrights, or have engaged in one or more of the  
8 wrongful practices alleged in this Complaint. The true names of defendants 1 through  
9 10 are currently unknown to plaintiff, which therefore sues them by fictitious names  
10 and will seek leave to amend this Complaint to show their true names and capacities  
11 when that has been ascertained.

12 12. Plaintiff is informed and believes and on that basis alleges that at all  
13 relevant times each of the defendants was the agent, affiliate, officer, director,  
14 manager, principal, alter ego, and/or employee of the remaining defendants and was  
15 at all times acting within the scope of such relationship, or actively participated in or  
16 subsequently ratified and adopted each of the acts alleged, with full knowledge of all  
17 the facts and circumstances, including but not limited to, full knowledge of each and  
18 every violation of plaintiff’s rights and damages to plaintiff proximately caused by  
19 such violation.

### 20 **BACKGROUND FACTS**

21 13. Plaintiff is the owner and copyright holder of a photographic image (the  
22 “Photograph”) that is part of a series of photos depicting defendant Simpson leaving  
23 The Bowery Hotel in New York.

24 14. The Photograph was registered with the United States Copyright Office  
25 as Registration No. VA0002071692 (effective October 9, 2017) in compliance with  
26 the Copyright Act, 17 U.S.C. §§ 101 et seq.

27 15. The Photograph was created by author Humberto Carreno and licensed  
28 for limited use to *The Daily Mail*, which published it on its website on August 9,

1 2017. The image published by *The Daily Mail* contained copyright management  
2 information (“CMI”) below the Photograph, in the form of a notice stating “© Splash  
3 News,” giving notice of plaintiff’s ownership of the Photograph.

4 16. Plaintiff never licensed the Photograph to defendants. Nevertheless,  
5 defendants have used, and continue to use, the Photograph without authorization or  
6 permission from plaintiff to do so.

7 17. Specifically, Simpson or someone acting on her behalf copied the  
8 Photograph and distributed it on Instagram—within hours of its original publication  
9 on August 9, 2017—via the @jessicasimpson account. Simpson has over 4 million  
10 Instagram followers, and her Instagram feed is open and viewable by the public.

11 18. The copy of the Photograph that Simpson distributed on Instagram had  
12 been altered, without authorization or approval, to remove the CMI showing plaintiff  
13 as the copyright owner of the image.

14 19. In addition, Simpson or someone acting on her behalf copied the  
15 Photograph and distributed it on Twitter on August 9, 2017, by publishing a “tweet”  
16 of the image on the @JessicaSimpson account. Simpson has 7.3 million Twitter  
17 followers, and her Twitter time line is open and viewable by the public.

18 20. The copy of the Photograph that defendants distributed on Twitter had  
19 been altered, without authorization or approval, to remove the CMI showing plaintiff  
20 as the copyright owner of the image.

21 21. As of October 9, 2017, defendants’ tweet of the Photograph received at  
22 least 62 “retweets,” meaning that other users had tweeted the Photograph 62 times.  
23 Each retweet is an additional instance of copying and distribution of the Photograph,  
24 in violation of plaintiff’s exclusive rights under copyright law.

25 22. Defendant Reality TV World subsequently obtained the Photograph  
26 from Simpson’s Instagram, copied the Photograph, and distributed it on its website at  
27 <http://www.realitytvworld.com/realitytvdb/jessica-simpson/photos/2327/>.

1           23. Plaintiff notified Simpson of the infringement, through her  
2 representatives, by letter dated October 9, 2017.

3           24. The Photograph is highly creative, distinctive, and valuable. Because of  
4 the subject's celebrity status, and the Photograph's quality and visual appeal, plaintiff  
5 (and the photographer it represents) stood to gain additional revenue from licensing  
6 the Photograph.

7           25. But defendants' unauthorized use harms the existing and future market  
8 for the original Photograph. Simpson's Instagram post and Twitter tweet made the  
9 Photograph immediately available to her nearly 11.5 million followers and others,  
10 consumers of entertainment news—and especially news and images of Simpson  
11 herself, as evidenced by their status as followers of her—who would otherwise be  
12 interested in viewing licensed versions of the Photograph in the magazines and  
13 newspapers that are plaintiff's customers.

14           26. In addition, defendants' unauthorized use is commercial in nature.  
15 Simpson uses her Instagram and Twitter feed for the purposes of promotion—  
16 specifically, to promote herself and her business interests, products, and ventures; to  
17 maintain and increase her visibility and desirability as an actress and singer; and to  
18 promote her persona itself, since Simpson's celebrity status and popularity is central  
19 to her ability to sell on products and services. In short, every one of Simpson's  
20 Instagram posts is fundamentally promoting something to her 11.5 million followers.  
21 For its part, Reality TV World used the Photograph to attract viewers to its website.

22           27. The Simpson Instagram and Twitter accounts also promote her fashion  
23 collection; in fact, the profiles of both accounts contain a link to a web page  
24 promoting the Collection. The Instagram posts and Twitter tweets from the accounts  
25 often feature and highlight Simpson's products.

26           28. At the time that defendants copied and distributed the Photograph, they  
27 knew or should have known that they did not have authorization or permission to do  
28 so.

1 29. Defendants did not disclose their unauthorized uses of the Photograph to  
2 plaintiff or seek permission to use the Photographs. But for plaintiff's discovery of  
3 defendants' authorized uses, their infringements would still be concealed.

4 **CLAIM ONE**

5 **(For Copyright Infringement – Against All Defendants)**

6 30. Plaintiff realleges and incorporates by reference the allegations  
7 contained in the preceding paragraphs of this Complaint as if fully set forth here.

8 31. The foregoing acts of defendants constitute infringement of plaintiff's  
9 copyrights in the Photograph in violation of 17 U.S.C. §§ 501 et seq.

10 32. Plaintiff suffered damages as a result of defendants' unauthorized use of  
11 the Photograph.

12 33. Plaintiff is informed and believes and on that basis alleges that  
13 defendants' acts of copyright infringement, as alleged above, were willful,  
14 intentional, and malicious, which further subjects defendants to liability for statutory  
15 damages under Section 504(c)(2) of the Copyright Act in the sum of up to \$150,000  
16 per infringement. Within the time permitted by law, plaintiff will make its election  
17 between actual damages and statutory damages.

18 **CLAIM TWO**

19 **(For Vicarious and/or Contributory Copyright Infringement –**  
20 **Against All Defendants)**

21 34. Plaintiff realleges and incorporates by reference the allegations  
22 contained in the preceding paragraphs of this Complaint as if fully set forth here.

23 35. Plaintiff is informed and believes and on that basis alleges that  
24 defendants knowingly induced, participated in, aided and abetted in, and profited  
25 from the unauthorized reproduction and/or subsequent distribution of the  
26 Photographs.

27 36. Defendants, and each of them, are vicariously liable for the infringement  
28 alleged above because, on information and belief, they had the right and ability to

1 supervise the infringing conduct and because they had a direct financial interest in the  
2 infringing conduct.

3 37. By reason of each of the defendants' acts of contributory and vicarious  
4 infringement as alleged above, plaintiff has suffered and will continue to suffer  
5 substantial damages to its business in an amount to be established at trial, as well as  
6 additional general and special damages in an amount to be established at trial.

7 38. Plaintiff is informed and believes and on that basis alleges that  
8 defendants' acts of copyright infringement, as alleged above, were willful,  
9 intentional, and malicious, which further subjects defendants to liability for statutory  
10 damages under Section 504(c)(2) of the Copyright Act in the sum of up to \$150,000  
11 per infringement. Within the time permitted by law, plaintiff will make its election  
12 between actual damages and statutory damages.

13 **CLAIM THREE**

14 **(For Removal of Copyright Management Information in Violation of**  
15 **17 U.S.C. 1202 – Against All Defendants)**

16 39. Plaintiff realleges and incorporates by reference the allegations  
17 contained in the preceding paragraphs of this Complaint as if fully set forth here.

18 40. On information and belief, defendants, or someone working on their  
19 behalf, removed CMI from the Photograph without authorization of plaintiff or the  
20 law and then distributed the Photograph, with the CMI removed, without the  
21 authorization of plaintiff or the law.

22 41. Defendants' actions alleged above constitute a violation of 17 U.S.C.  
23 § 1202.

24 42. Plaintiff has suffered damages as a result of defendants' violation of  
25 17 U.S.C. § 1202.

26 43. On information and belief, defendants' removal of the CMI from the  
27 Photograph was intentional, and defendants' distribution of the Photograph was with  
28 knowledge that the CMI had been removed without authorization, which further

1 subjects defendants to liability for statutory damages under 17 U.S.C. § 1203 in the  
2 amount of up to \$25,000. Within the time permitted by law, plaintiff will make its  
3 election between actual damages and statutory damages.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, plaintiff requests the following:

6 A. For a preliminary and permanent injunction against defendants and  
7 anyone working in concert with them from further copying, displaying, distributing,  
8 selling, or offering to sell plaintiff's Photographs described in the Complaint;

9 B. For an order requiring defendants to account to plaintiff for their profits  
10 and any damages sustained by plaintiff arising from the acts of infringement;

11 C. Under 17 U.S.C. § 503, for impoundment of all copies of the  
12 Photographs used in violation of plaintiff's copyrights—including digital copies or  
13 any other means by which they could be used again by defendants without plaintiff's  
14 authorization—as well as all related records and documents;

15 D. For actual damages and all profits derived from the unauthorized use of  
16 plaintiff's Photograph or, where applicable and at plaintiff's election, statutory  
17 damages;

18 E. Under 17 U.S.C. § 1203, for actual damages for the unauthorized  
19 alteration or removal of copyright information or, where applicable and at plaintiff's  
20 election, statutory damages of not less than \$2,500 or more than \$25,000.

21 F. For an award of pre-judgment interest as allowed by law;

22 G. For reasonable attorney fees and all other costs authorized under law;

23 H. For such other and further relief as the Court deems just and proper.

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**JURY TRIAL DEMAND**

Plaintiff demands a trial by jury of all issues permitted by law.

Dated: January 23, 2018

Respectfully submitted,

**PERKOWSKI LEGAL, PC**

By:           /s/ Peter Perkowski          

Peter E. Perkowski

Attorneys for Plaintiff  
SPLASH NEWS AND PHOTO AGENCY, LLC