

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Shenzhen Daisili Commercial Co., Ltd.,

Plaintiff,

v.

ACHIFSJOVT, et al.,

Defendants.

No. 25-cv-04733-MLB

**Memorandum of Law in Support of
Plaintiff's Motion for Entry of Default Judgment**

NOW COMES Shenzhen Daisili Commercial Co., Ltd. ("Plaintiff"), by and through its undersigned counsel, and submits this Memorandum in support of its Motion for Entry of Default Judgment.

I. Statement of Facts

Plaintiff specializes in the creation, manufacture, marketing and sale of clothing products (collectively, the "Plaintiff Products"). [Dkt. 1 ¶ 5]. Plaintiff is the owner of all rights to the valid, federally registered copyrights in the Plaintiff Works, and has used the Plaintiff Works in connection with the sale, distribution, promotion, and advertising of genuine Plaintiff Products. [Dkt. 1 ¶ 8]. Plaintiff has invested substantial resources, time, money, and commercial efforts to produce to Plaintiff Works. [Dkt. 1 ¶ 7]. Additional factual assertions regarding Plaintiff in the Complaint are incorporated herein. Id. at ¶¶ 4-16.

The Defaulting Defendants conduct business throughout the United States, including within the State of Georgia and this Judicial District, through the operation of the fully interactive, commercial online marketplaces operating under the online storefronts as identified in the Complaint (the “Defendant Online Stores”). Id. at ¶17. Each Defaulting Defendant targets the United States, including Georgia, and has offered to sell and/or, on information and belief, has sold products through the use of unauthorized copies and exploitation of the registered Plaintiff Works (the “Infringing Products”) to consumers within the United States, including the State of Georgia and this Judicial District. Id. Additional factual assertions regarding Defaulting Defendants in the Complaint are incorporated herein. Id. at ¶¶ 17-36.

Plaintiff filed this action on August 20, 2025, alleging copyright infringement under 17 U.S.C. § 501 (Count I). [Dkt. 1]. On August 26, 2025, this Court granted Plaintiff’s *Ex Parte* Motion for Entry of a Temporary Restraining Order (the “TRO”) and subsequently converted the TRO [Dkt. 11] into a Preliminary Injunction [Dkt. 34] with respect to the Defaulting Defendants on September 24, 2025. [Dkt. 34]. On August 26, 2025, this Court permitted Plaintiff to complete service of process to Defendants by electronically publishing a link to the relevant documentation on a website and sending an email to the email addresses provided for Defendants by third-parties. [Dkt. 12]. The Defaulting

Defendants were properly served with process on September 16, 2025, [Dkt. 31], and none of the Defaulting Defendants have filed an answer or otherwise pled in this action. *See*, Declaration of Adam E. Urbanczyk (the “Urbanczyk Declaration”) at ¶ 2.

Plaintiff now moves this Court for an Order entering default judgment finding that Defaulting Defendants are liable on all counts of Plaintiff’s Complaint. Fed. R. Civ. P. 55(b)(2). Plaintiff further seeks an award of statutory damages as authorized by 17 U.S.C. § 504(c)(2) of willful copyright infringement against each of the Defaulting Defendants for their violations of Plaintiff’s exclusive rights under 17 U.S.C. § 106 caused by the Defaulting Defendants’ unauthorized reproduction, display, and/or distribution of Plaintiff’s registered Plaintiff Works in connection with products sold through each of the Defendant Online Stores. Plaintiff also seeks entry of a permanent injunction prohibiting Defaulting Defendants from further use or other exploitations of the Plaintiff Works in violation of Plaintiff’s exclusive rights thereto.

II. Argument

a. Jurisdiction and venue are proper in this Court.

This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Copyright Act, 17 U.S.C. § 501, *et seq.* and 28 U.S.C. §§ 1331, 1338(a)-(b). Venue is proper in this Court pursuant to 28

U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defaulting Defendants since each of the Defendants directly target business activities toward consumers in Georgia and causes harm to Plaintiff's business with this Judicial District. *See*, [Dkt. 1 at ¶ 3]; *See*, Louis Vuitton Malletier, S.A. v. Joseph Mosseri, 736 F.3d 1339 (11th Cir. 2013).

Through at least the fully interactive, commercial online marketplaces accounts operating under the Defendant Online Stores, each of the Defaulting Defendants has targeted sales to Georgia residents by operating online stores which offer shipping to the United States, including within Georgia and this judicial district, offered to accept payment in U.S. dollars, and offered for sale and/or sold products through the unauthorized reproduction, display, and/or distribution of the Plaintiff Works to residents of Georgia. [Dkt. 1 at ¶ 35]. Personal jurisdiction exists over the Defaulting Defendants because they directly target their business activities toward consumers in the United States, including Georgia. Specifically, Defaulting Defendants are reaching out to do business with Georgia residents by operating one or more commercial, interactive Defendant Online Stores through which Georgia residents can purchase products through the Defendants' unauthorized exploitation of the Plaintiff Works. Del Valle v. Trivago GMBH, 56 F.4th 1265, 1277 (C.A.11 (Fla.), 2022); *See*, Rice v. PetEdge, Inc., 975 F.Supp.2d 1364, 1371 (N.D.Ga., 2013) ("Defendant's creation of a website that allows

Georgia customers to directly purchase its products constitutes purposeful availment, as defendant financially benefits from doing business in Georgia.”).

b. Plaintiff has met the requirements for entry of default judgment.

Rule 55(b)(2) of the Federal Rules of Civil Procedure provides for a court-ordered default judgment. A default judgment establishes, as a matter of law, that the Defaulting Defendants are liable to Plaintiff on each cause of action alleged in the Complaint. U.S. v. Kahn, 164 Fed. Appx. 855, 858 (11th Cir.2006).

As noted above, Plaintiff served the Complaint on the Defaulting Defendants on September 16, 2025 [Dkt. 31]. More than twenty-one (21) days have passed since each of the Defaulting Defendants was served, and no answer or other responsive pleading has been filed by any of the Defaulting Defendants as required under federal rules. Fed. R. Civ. P. 12(a)(1)(A)(i). The clerk entered default on November 24, 2025. *See*, [Dkt. 42]. Default judgment is therefore appropriate, and consistent with previous similar cases in front of this Court. Plaintiff requests an award of statutory damages as authorized by 17 U.S.C. § 504(c)(2) for willful copyright infringement against each of the Defaulting Defendants for their unauthorized exploitation of the Plaintiff Works in connection with the offer for sale and sale of products, and listings therefor, sold through the Defendant Online Stores. Plaintiff also seeks entry of a permanent injunction prohibiting Defaulting

Defendants from exercising any of the exclusive rights afforded to Plaintiff under 17 U.S.C § 106.

The U.S. Copyright Act provides that “[a]nyone who violates...the exclusive rights of the copyright owner... is an infringer of the copyright.” 17 U.S.C. § 501(a). Plaintiffs are entitled to various remedies for infringement, including injunctions, monetary damages, costs, and attorney’s fees. 17 U.S.C. §§ 502, 504, 505. A plaintiff bringing a copyright infringement claim under 17 U.S.C. § 501 must show: (i) ownership of a valid copyright, and (ii) copying of constituent elements of the work that are original. Elektra Entertainment Group, Inc. v. Jensen, 2007 WL 2376301, at *1 (N.D.Ga.,2007), *quoting*, MiTek Holdings, Inc. v. Arce Engineering Co., Inc., 89 F.3d 1548, 1553 (11th Cir.1996). The registration of a copyright certificate creates a *prima facie* presumption of validity of a copyright. 17 U.S.C. § 410(c).

Plaintiff alleges in the Complaint that they are the owner of all right, title, and interest in and to the original federally registered Plaintiff Works. [Dkt. 1 at ¶ 9]. Plaintiff’s federal registrations for the Plaintiff Works are valid, subsisting, and in full force and effect. [Dkt. 1 at ¶ 10]. Among the exclusive rights granted to Plaintiff under the Copyright Act are the exclusive right to copy, reproduce, and display the Plaintiff Works and prepare derivative works based upon the Plaintiff Works. [Dkt. 1 at ¶ 11, 40]. The Defaulting Defendants have copied and/or

displayed the Plaintiff Works or derivative versions thereof on their respective Defendant Online Stores in connection with the sale of products without Plaintiff's authorization and in violation of Plaintiff's exclusive rights under 17 U.S.C. § 106. [Dkt. 1 at ¶¶ 41-42].

Because the Defaulting Defendants have failed to answer or otherwise plead in this matter, the Court must accept the allegations contained in Plaintiff's Complaint as true. *See*, Fed. R. Civ. P. 8(b)(6). Accordingly, Plaintiff requests entry of judgment with respect to Count I for willful copyright infringement against the Defaulting Defendants.

c. Plaintiff is entitled to monetary and injunctive relief.

Awarding statutory damages is both remedial in nature and serves to protect an important public interest. Thus, it is important to both penalize defendants and try to deter future violations. Plaintiff has expended resources to create and produce the Plaintiff Works and has used the Plaintiff Works in connection with the sale, distribution, promotion, and advertising of genuine Plaintiff Products. [Dkt. 1 at ¶ 7]. Further, Plaintiff has invested substantial resources, time, money, and commercial efforts in order to offer Plaintiff Products sold in connection with the Plaintiff Works, and the success of Plaintiff's business enterprise is dependent and a result of its efforts to market and advertise online via e-commerce. [Dkt. 1 at ¶¶ 14-15]. The success of Plaintiff's sales in connection with the Plaintiff Works

has resulted in substantial infringing activity and harm to Plaintiff, as evidenced by this case. Plaintiff has built substantial goodwill in and to the products sold in connection with the Plaintiff Works and regularly investigates and enforces their rights to the Plaintiff Works. [Dkt. 1 at ¶¶ 17, 46].

i. Statutory damages are appropriate in this case.

Pursuant to the statutory damages provision of the Copyright Act, 17 U.S.C. § 504(c)(1), a plaintiff in a case involving the use of a copyright infringement may elect to receive “not less than \$750 or more than \$30,000 as the court considers just.” 17 U.S.C. § 504(c)(1). “[T]he court in its discretion may increase the award of statutory damages to a sum of not more than \$150,000” where the infringement is willful. 17 U.S.C. § 504(c)(2).

Further, “in awarding enhanced damages in the context of section 504(c)(2), ‘deterrence of future violations is a legitimate consideration’ because ‘defendants must not be able to sneer in the face of copyright owners and copyright laws.’”

XYZ Corporation v. Individuals, Partnerships, and Unincorporated Associations Identified on Schedule “A”, 668 F.Supp.3d 1268, 1277 (S.D.Fla., 2023), *quoting*, Cable/Home Commc'n Corp. v. Network Prods., 902 F.2d 829, 851 (11th Cir. 1990)

ii. Defaulting Defendants’ infringement was willful.

As alleged in Plaintiff’s Complaint, Defaulting Defendants reproduced

without authorization, the Plaintiff Works, or derivatives versions of the Plaintiff Works, to sell their own clothing products in competition with Plaintiff, and the Court can infer the Defaulting Defendants' willfulness from this conduct. *See, Arista Records, Inc. v. Beker Enterprises, Inc.*, 298 F.Supp.2d 1310, 1313 (S.D.Fla.,2003); Starla Michelle, LLC v. Individuals, Partnerships, and Unincorporated Associations Identified on Schedule "A", 2024 WL 473985, at *8 (S.D.Fla., 2024). At a minimum, Defaulting Defendants acted with "reckless disregard" for Plaintiff's rights in the federally-registered Plaintiff Works. *Id.*, *quoting, Arista Records*, 298 F. Supp. 2d at 1312 (internal citations omitted). Further, courts in this circuit have deemed copyright infringement willful when defendants default. *See, e.g., GOPRO, Inc. v. Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations Identified on Schedule A*, 2024 WL 4879394, at *8 (S.D.Fla., 2024); Sharp Shirter Inc. v. Individuals, Partnerships, and Unincorporated Associations Identified on Schedule "A", 2023 WL 6064810, at *4 (S.D.Fla., 2023).

iii. A strong statutory damage award is appropriate and just.

In the Eleventh Circuit, a court when determining the amount of a statutory damage award for a copyright infringement claim will consider "(1) the infringers' blameworthiness (willful, knowing, or innocent); (2) the expenses saved and the profits reaped by the defendants in connection with the infringement; (3) the

revenues lost by the plaintiffs due to the defendants' conduct; and (4) the deterrent value of the damages imposed.” Broadcast Music, Inc. v. Evie's Tavern Ellenton, Inc., 772 F.3d 1254, 1261 (C.A.11 (Fla.), 2014). Where the infringement is willful, the statutory damages award are intended “to compensate the copyright owner, penalize the infringer and deter future copyright law violations.” Yellow Pages Photos, Inc. v. Ziplocal, LP, 795 F.3d 1255, 1283 (C.A.11 (Fla.), 2015).

In similar cases involving willful internet-based IP infringement, this Court has awarded significant damages including up to the maximum provided by law, to the plaintiff to serve the purposes of (i) deterring the defendant and others situated like him from bringing into commerce spurious goods; (ii) compensating the plaintiff for damages caused by defendant's infringement; and (iii) punishing the defendant appropriately for his infringing activities. *See*, CCA and B, LLC v. Babycut2 Store, 2025 WL 2889162, at *7 (N.D.Ga., 2025) (“The Court finds that the requested amounts, based upon a \$150,000 award for the reproduction and distribution of counterfeit elf dolls[1] and a \$75,000 award each for the reproduction and display of one or more of Plaintiff's Copyrighted Works, are reasonable under the totality of the circumstances presented here.”). Accordingly, a significant consideration should be whether infringing sales were made over the Internet, the rationale being that sales over the Internet increases the amount of an award because use of the internet made the infringement widely available. *See*,

e.g., G&S Prints PTE. Ltd. v. Individuals, Partnerships, 2024 WL 4472022, at *4 (S.D.Fla., 2024) (awarding \$100,000 in statutory damages for willful copyright infringement against defaulted e-commerce defendants); Starla Michelle, LLC v. Individuals, Partnerships, and Unincorporated Associations Identified on Schedule “A”, 2024 WL 2315274, at *1 (S.D.Fla., 2024) (adopting \$100,000 statutory damages default judgment award recommendation); *But see*, Hawaiiweb, Inc. v. Experience Hawaii, Inc., 2017 WL 382617, at *8 (N.D.Ga., 2017) (“In cases involving infringement of copyrighted photographs, other courts in our Circuit have awarded statutory damages of \$5,000 to \$15,000 for willful infringement”) (collecting cases).

iv. Plaintiff is entitled to permanent injunctive relief.

Plaintiff also respectfully requests this Court enter a permanent injunction enjoining the Defaulting Defendants from infringing or otherwise violating the Plaintiff’s copyright rights in the Plaintiff Works, including at least all injunctive relief previously awarded by this Court to Plaintiff in the TRO and Preliminary Injunction. [Dkts. 11, 34]. Further, Plaintiff is entitled to injunctive relief so it can quickly take action against any new online marketplace accounts that are identified, found to be linked to the Defaulting Defendants, and selling products through the unauthorized exploitation of the Plaintiff Works. *See* G&S Prints PTE. Ltd., 2024 WL 4472022, at *4.

III. Conclusion

Plaintiff respectfully requests this Court enter default judgement against each Defaulting Defendant, award statutory damages in the amount of \$50,000 per Defaulting Defendant pursuant to 15 U.S.C. § 504(c)(2) and enter a permanent injunction order prohibiting the Defaulting Defendants from using the Plaintiff Works or any derivative versions thereof.

Dated: December 5, 2025

Respectfully Submitted

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