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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

Julien Pepy,)	
)	
)	
Plaintiff,)	
)	Case No:
v.)	
)	
Angie's List, Inc. d/b/a Angi,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Julien Pepy (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against defendant Angie's List, Inc. d/b/a Angi (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.* and for violation of the Digital Millennium Copyright Act (“*DMCA*”), 17 U.S.C. §1202(b).

2. Plaintiff created a series of photographs (the “*Photographs*”) in which Plaintiff owns the rights and licenses for various uses including online and print publications.

3. Defendant owns and operates an account on Instagram known as “@angi” (the “*Account*”).

4. Defendant, without permission or authorization from Plaintiff, actively copied and displayed the Photographs on the Account and engaged in this misconduct knowingly and in violation of the United States copyright laws.

PARTIES

5. Plaintiff Julien Pepy is an individual who is a citizen of and maintains a principal place of business in Paris, France.



6. Upon information and belief, defendant Angie's List, Inc. d/b/a Angi, is a Delaware corporation doing business in Indiana with a principal place of business at 130 East Washington Street, Indianapolis in Marion County, Indiana.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

8. This Court has personal jurisdiction over Defendant because it maintains its principal place of business in Indiana.

9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does business in this Judicial District and/or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

FACTS COMMON TO ALL CLAIMS

A. Plaintiff's Copyright Ownership

10. Plaintiff is a professional photographer by trade who is the legal and rightful owner of certain photographs which Plaintiff commercially licenses.

11. Plaintiff has invested significant time and money in building Plaintiff's photograph portfolio.

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

13. Plaintiff's photographs are original, creative works in which Plaintiff owns protectable copyright interests.

14. On August 15, 2023, Plaintiff first published Photograph 1 of a side view of a cherry cola toned bathroom vanity with a marble sink, vertical stacked tiles, and bronze hardware. A copy of Photograph 1 is attached hereto as Exhibit 1.

15. Plaintiff published Photograph 1 by commercially licensing it to @caroline.andreon on Instagram for the purpose of display and/or public distribution.

16. In creating Photograph 1, Plaintiff personally selected the subject matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used to capture the image and made each and every artistic determination necessary for the creation of the work.

17. On September 2, 2023, Photograph 1 was registered by the USCO under Registration No. VA 2-364-862.

18. On August 15, 2023, Plaintiff first published Photograph 2 of a head-on view of a cherry cola toned bathroom vanity with a marble sink, vertical stacked tiles, and bronze hardware. A copy of the Photograph is attached hereto as Exhibit 1.

19. Plaintiff published Photograph 2 by commercially licensing it to @caroline.andreon on Instagram for the purpose of display and/or public distribution.

20. In creating Photograph 2, Plaintiff personally selected the subject matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used to capture the image and made each and every artistic determination necessary for the creation of the work.

21. On January 11, 2024, Photograph 2 was registered by the USCO under Registration No. VA 2-383-629.

22. On August 15, 2023, Plaintiff first published Photograph 3 of cherry cola vertical stacked tiles with bronze shower hardware. A copy of Photograph 3 is attached hereto as Exhibit 1.

23. Plaintiff published Photograph 3 by commercially licensing it to @caroline.andreon on Instagram for the purpose of display and/or public distribution.

24. In creating Photograph 3, Plaintiff personally selected the subject matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used to capture the image and made each and every artistic determination necessary for the creation of the work.

25. On January 11, 2024, Photograph 3 was registered by the USCO under Registration No. VA 2-383-629.

26. Plaintiff created the Photographs with the intention of it being used commercially and for the purpose of display and/or public distribution.

B. Defendant's Infringing Activity

27. Defendant is the registered owner of the Account and is responsible for its content.

28. Defendant is the operator of the Account and is responsible for its content.

29. The Account is a part of and used to advance Defendant's commercial enterprise.

30. The Account is monetized in that it sells merchandise to the public and, on information and belief, Defendant profits from these activities.

31. Upon information and belief, Defendant is a sophisticated media company which owns a comprehensive portfolio of digital marketing platforms and has advanced operational and strategic expertise in the media industry where copyright is prevalent.

32. Upon information and belief, Defendant's staff have significant experience in copyright matters and are familiar with specific practices including the need to ensure that images used in their articles have been properly licensed.

33. Upon information and belief, Defendant has not implemented adequate internal policies to verify copyright ownership before content use, indicating a gross negligence in legal compliance, which is essential for a company with Defendant's reach, capabilities, and level of sophistication.

34. Upon information and belief, Defendant's internal policies, if any, are either not designed to verify copyright ownership before content use or are systematically ignored, indicating a willful, recurring disregard for copyright compliance.

35. Defendant's failure to adopt or effectively enforce internal copyright policies, if any, indicates *de facto* willful infringement.

36. On or about August 31, 2023, Defendant displayed Photograph 1 on the Account at URL: https://www.instagram.com/p/CwndVnHLwxk/?img_index=2. A copy of a screengrab of the Account including Photograph 1 is attached hereto as Exhibit 2.

37. Without permission or authorization from Plaintiff, Defendant volitionally copied and displayed Plaintiff's copyright protected Photograph 1 on the Account.

38. On or about August 31, 2023, Defendant displayed Photograph 2 on the Account

at URL: https://www.instagram.com/p/CwndVnHLwxk/?img_index=1. A copy of a screengrab of the Account including Photograph 2 is attached hereto as Exhibit 2.

39. Without permission or authorization from Plaintiff, Defendant volitionally copied and/or displayed Plaintiff's copyright protected Photograph 2 on the Account.

40. Plaintiff first observed Infringement 2 and Defendant's violation of the DMCA on September 4, 2023.

41. On or about August 31, 2023, Defendant displayed Photograph 3 on the Account at URL: https://www.instagram.com/p/CwndVnHLwxk/?img_index=3. A copy of a screengrab of the Account including Photograph 3 is attached hereto as Exhibit 2.

42. Without permission or authorization from Plaintiff, Defendant volitionally copied and/or displayed Plaintiff's copyright protected Photograph 3 on the Account.

43. Upon information and belief, the Photographs were copied and displayed by Defendant without license or permission, thereby infringing on Plaintiff's copyrights in and to the Photograph (the "*Infringements*").

44. The Infringements include a URL ("*Uniform Resource Locator*") for a fixed tangible medium of expression that was sufficiently permanent or stable to permit it to be communicated for a period of more than a transitory duration and therefore constitutes a specific infringement.

45. The Infringements are exact copies of Plaintiff's original images that were directly copied and displayed by Defendant on the Account.

46. Upon information and belief, Defendant takes an active and pervasive role in the content posted on its Account, including, but not limited to copying, posting, selecting, commenting on, and/or displaying images including but not limited to Plaintiff's Photographs.

47. Upon information and belief, the Photographs were willfully and volitionally posted to the Account by Defendant.

48. Upon information and belief, Defendant is not registered as an internet service provider with the USCO pursuant to 17 U.S.C. §512.

49. Upon information and belief, the Infringement was not posted at the direction of a “user”, as that term is defined in 17 U.S.C. §512(c).

50. Upon information and belief, Defendant was aware of facts or circumstances from which the determination regarding the Infringements were apparent. Defendant cannot claim that it was not aware of the infringing activities, including the specific Infringements which form the basis of this complaint, since such a claim would amount to only willful blindness to the Infringement on the part of Defendant.

51. Upon information and belief, Defendant engaged in the Infringements knowingly and in violation of applicable United States copyright laws.

52. Upon information and belief, Defendant had complete control over and actively reviewed and monitored the content posted on the Account.

53. Upon information and belief, Defendant has the legal right and ability to control and limit the infringing activities on its Account and exercised and/or had the right and ability to exercise such right.

54. Upon information and belief, Defendant monitors the content on its Account.

55. Upon information and belief, Defendant has received a financial benefit directly attributable to the Infringements.

56. Upon information and belief, the Infringements increased traffic to the Account and, in turn, caused Defendant to realize an increase its advertising revenues and/or merchandise sales.

57. Upon information and belief, a large number of people have viewed the unlawful copies of the Photographs on the Account.

58. Upon information and belief, Defendant at all times had the ability to stop the reproduction and display of Plaintiff's copyrighted materials.

59. Defendant's use of the Photographs harmed the actual market for the Photographs.

60. Defendant's use of the Photographs, if widespread, would harm Plaintiff's potential market for the Photographs.

61. Plaintiff, via counsel, served a letter seeking to address the complaints contained herein concerning Defendant's infringement of Plaintiff's rights-protected work.

62. Despite Plaintiff's efforts and willingness to address Defendant's infringing activity, Defendant failed to respond, and Plaintiff was forced to seek judicial intervention for Defendant's infringing activity.

63. Further, despite Plaintiff's notification to Defendant concerning its infringing activity, Defendant continues to infringe on Plaintiff's work thereby establishing the willful nature of its conduct.

64. As a result of Defendant's misconduct, Plaintiff has been substantially harmed.

FIRST COUNT

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

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

66. The Photographs are original, creative work in which Plaintiff owns a valid copyright.

67. The Photographs are properly registered with the USCO and Plaintiff has complied with all statutory formalities under the Copyright Act and under regulations published by the USCO.

68. Plaintiff has not granted Defendant a license or the right to use the Photographs in any manner, nor has Plaintiff assigned any of his exclusive rights in the copyright to Defendant.

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

70. Defendant's reproduction of the Photographs and display of the Photographs constitutes willful copyright infringement.

71. Upon information and belief, Defendant willfully infringed upon Plaintiff's

copyrighted Photographs in violation of Title 17 of the U.S. Code, in that Defendant used, published, communicated, posted, publicized, and otherwise held out to the public for commercial benefit, Plaintiff's original and unique Photographs without Plaintiff's consent or authority, by using it on the Account.

72. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for each infringement pursuant to 17 U.S.C. § 504(c).

73. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

74. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to injunctive relief to prevent or restrain infringement of Plaintiff's copyright pursuant to 17 U.S.C. § 502.

SECOND COUNT

(Removal and/or Alteration of Copyright Management Information 17 U.S.C. § 1202(b))

75. Plaintiff repeats and incorporates, as though fully set forth herein, each and every allegation contained in the preceding paragraphs, as though set forth in full herein.

76. The Photographs as originally published in [instagram.com/caroline.andreon](https://www.instagram.com/caroline.andreon) which contained a gutter credit attributing Plaintiff “@julien_pepy_photographe” as the author of the work. Such a credit qualifies as copyright management information (“CMI”) under section 1202(c) of the DMCA, 17 U.S.C. §1202(c). A copy of a screengrab of the Original Source page is attached hereto as Exhibit 3.

77. Defendant distributed the Infringements without Plaintiff's CMI, as there was no credit provided to Plaintiff upon Defendant's display of the Photographs on the Account.

78. Upon information and belief, Defendant's distribution of containing the Photographs was done with actual knowledge that Plaintiff's CMI was removed and/or altered without Plaintiff's permission.

79. Upon information and belief, Defendant had reasonable grounds to know that its distribution of the infringing article containing the Photographs would induce, enable, facilitate or conceal an infringement.

80. Upon information and belief, in addition to removing the Plaintiff's CMI, Defendant also removed the metadata from the Photographs.

81. Defendant's conduct violates 17 U.S.C. § 1202(b).

82. Plaintiff has sustained substantial injury and monetary damages as a result of Defendant's wrongful acts as herein alleged, and as a result of being involuntarily associated with Defendant, in an amount to be proven at trial.

83. As a result of Defendant's violations of the DMCA, pursuant to 17 U.S.C. § 1203(c)(2), Plaintiff is entitled to an award of the actual damages suffered as a result of the violation including any profits of the Defendant attributable to the violation or, alternatively, Plaintiff may elect to recover from Defendant statutory damages pursuant to 17 U.S.C. § 1203(c)(3) in a sum of at least \$2,500 up to \$25,000 for each violation of 17 U.S.C. § 1202(b).

84. As a result of the Defendant's violations of the DMCA, the court in its discretion may allow the recovery of reasonable attorney's fees and full costs pursuant to 17 U.S.C. § 1203(b)(4) and (5) from Defendant.

JURY DEMAND

85. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

That the Court enters a judgment finding that Defendant has infringed on Plaintiff's rights to the Photographs in violation of 17 U.S.C. §501 *et seq.* and has violated the DMCA under 17 U.S.C. §1202(b) and therefore award damages and monetary relief as follows:



- a. finding that Defendant infringed Plaintiff's copyright interest in and to the Photographs by copying and displaying it without a license or consent;
- b. for an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504(b) in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- c. finding that Defendant violated section 1202(b) of the DMCA; 17 U.S.C. § 1202(b);
- d. for an award of actual damages or, in the alternative, statutory damages against Defendant in an amount up to \$25,000.00 for each violation of the DMCA pursuant to 17 U.S.C. § 1203(c);
- e. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- f. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505 and/or 17 U.S.C. §1203(b)(4) and (5);
- g. for pre-judgment interest as permitted by law; and
- h. for any other relief the Court deems just and proper.

DATED: July 18, 2024

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