

## Recent Copyright Cases Filed in Georgia - December 2013

Article By:

Intellectual Property

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The following is a summary of recent copyright suits filed in Georgia:

### **BWP Media Alleges Copyright Violations in Complaint Against Sandra Rose**

On December 13, 2013, [BWP Media USA Inc.](#) of Los Angeles, California (doing business as Pacific Coast News, hereinafter “BWP,” or “plaintiff(s)”), filed a complaint against [Sandra Rose, LLC](#), of Atlanta, Georgia (hereinafter “Sandra Rose” or “defendant(s)”), alleging direct, contributory, and vicarious copyright infringement as well as inducement of copyright infringement.

According to their complaint, BWP owns a multitude of photographs which they license to online and print publications and has several active and valid copyright registrations with the United States Copyright Office. In their complaint, the plaintiff alleges the defendants copied, modified, and/or displayed plaintiff’s protected photographs on their website(s) without permission from the plaintiff, including three protected images associated with copyright registration numbers VA0001860075, VA0001836246, and VA0001875918.

The case is *BWP Media USA Inc. v. Sandra Rose, LLC*, Case No. 1:13-cv-04130-AT in the Northern District of Georgia, Atlanta Division, and is assigned to The Honorable Judge Amy Totenburg.

### **Grandparent Gifts Alleges Copyright Violations in Complaint Against Ganz USA**

On December 9, 2013, [Grandparent Gift Co.](#) of Alpharetta, Georgia (“Grandparent Gift”) filed a complaint alleging copyright infringement and unfair competition under Georgia’s Uniform Deceptive Trade Practices Act (O.C.G.A. § 10-1-370 et seq.) and under Georgia Common Law against defendant [Ganz USA](#) (“Ganz”). Ganz is headquartered in Toronto, Canada, with a principal place of business in Marietta, Georgia.

Both companies are known for selling gift items online. Specifically, at issue in their complaint, Grandparent Gift sells a particular line of pet memorial products that feature poignant words commemorating a lost pet. Defendant Ganz is most well known for their web-enabled toy and kids’ virtual world products Webkinz® pets and Webkinz World™. Ganz’ corporate headquarters are located in Toronto, Canada, with U.S. offices in Atlanta and Los Angeles, and overseas offices in Hong Kong and Shanghai.

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In their complaint, Grandparent Gift alleges Ganz copied the first fourteen out of sixteen lines of a poem entitled “Pawprints Left By You,” by Teri Harrison. Ms. Harrison obtained a copyright registration for the poem (Registration No. TX 7-373- 961) and assigned her rights to the poem to Grandparent Gift on December 5, 2013. The poem is used on a variety of Grandparent’s memorial plaques, ornaments, picture frames and other similar products.

The case is *The Grandparent Gift Co., Inc. v. Ganz U.S.A., LLC*. Case No. 1:13-cv-04066-WBH in the Northern District of Georgia, Atlanta Division, and is assigned to The Honorable Judge Willis B. Hunt, Jr.

### **Lacefield Designs, Inc. Alleges Copyright Violations in Complaint Against Coaster Company of America, Lowe's, National Furniture and Ten John Doe Corporations**

On November 11, 2013 [Lacefield Designs, Inc.](#) (“Lacefield”) of Smyrna, Georgia filed a complaint alleging copyright infringement under 28 U.S.C. §§ 1331 and 1338(a) against Defendants [COA, Inc.](#), doing business as Coaster Co. of America (“Coaster”), [Lowe’s Companies, Inc.](#) (“Lowe’s”), [National Furniture Supply LLC](#) (“National Furniture”), and John Doe Corporations 1-10. Coaster is a California corporation with its principal place of business at Santa Fe Springs, California and with a branch in College Park, Georgia; Lowe’s is a North Carolina corporation with its principal place of business at Mooresville, North Carolina; and National Furniture is a Georgia limited liability company with a place of business in Atlanta, Georgia.

Lacefield is in the business of designing and selling textiles and a wide variety of home décor products. Coaster is engaged in the business of manufacturing and/or selling furniture. Lowe’s is a home improvement retailer and owns and/or operates various websites, including the [www.beddingsheetsandlinens.com](#) website that is part of its ATG Stores division. National Furniture is in the business of selling furniture, including through the website [www.nationalfurnituresupply.com](#). John Doe Corporations 1-10 are companies who are yet unidentified by Lacefield but have allegedly infringed Lacefield’s copyright by selling infringing goods, in this case allegedly manufactured and/or distributed by Coaster.

According to the complaint, Lacefield owns rights in a fabric design they created as a work made for hire in 2009. Lacefield states the design is an original creation based upon the selection, arrangement, and coordination of portions of antique documents acquired by Lacefield, and it constitutes copyrightable subject matter under the Copyright Act. Lacefield duly registered the copyright in the design (Registration no. VA 1-756-774). Lacefield alleges Defendant Coaster has infringed Lacefield’s copyright in the design by manufacturing, importing, selling, offering for sale, advertising, promoting, and/or distributing products, including chairs, ottoman, cabinets and pillows bearing a design copied from and substantially similar to the copyrighted design without authorization from Lacefield. Lacefield also alleges Defendants Lowe’s, National Furniture, and John Doe Corporations 1-10 infringed Lacefield’s copyright in the design by selling, offering for sale, advertising, promoting and/or distributing the allegedly infringing products made by Coaster without authorization from Lacefield.

The case is *Lacefield Designs, Inc. v. COA, Inc. et al* Case No. 1:13-cv-03747-RLV in the United States District Court For the Northern District of Georgia, Atlanta Division, and is assigned to The Honorable Judge Robert L. Vining, Jr.

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## **Tim Shobe Alleges Copyright Violations in Complaint Against CJI Group**

On October 17, 2013 [Tim Shobe](#) (“Shobe”) of Sitka County, Alaska filed a complaint against Defendants [CJI Group](#) (“CJI”), LTD of Dekalb County, Georgia alleging direct, contributory, and vicarious copyright infringement as well as inducement of copyright infringement.

According to the complaint, Shobe owns a multitude of photographs which he licenses to online and print publications and has invested significant time and money in building his photographic portfolio.

Also according to the complaint, CJI owns and operates a website known as [www.baconbabble.com](http://www.baconbabble.com) and, knowingly and without permission from Shobe, copied, modified, and/or displayed copyright protected photographs owned by Shobe. Specifically, the complaint seeks to enforce Shobe’s rights to a copyrighted photograph entitled “Kayaker nearly swallowed by a whale” (registration no. VA0001706606) over an alleged infringing use of the image on CJI’s website.

The case is *Shobe v. CJI Group, Ltd.* Case No. 1:13-cv-03442-RLV in the United States District Court For the Northern District of Georgia, Atlanta Division, and is assigned to The Honorable Judge Robert L. Vining, Jr..

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