

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

**PANORAMIC STOCK IMAGES, LTD.,
d/b/a PANORAMIC IMAGES,**

Plaintiff,

v.

**WASHINGTON UNIVERSITY IN ST.
LOUIS,**

Serve at:

1 Brookings Drive,
St. Louis, MO 63130

Defendant.

Case No. 4:22-cv-97

JURY TRIAL DEMANDED

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff PANORAMIC STOCK IMAGES, LTD., dba PANORAMIC IMAGES by and through its undersigned counsel, brings this Complaint against Defendant THE WASHINGTON UNIVERSITY IN ST. LOUIS for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff PANORAMIC STOCK IMAGES, LTD., dba PANORAMIC IMAGES (“Panoramic”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Panoramic’s original copyrighted Work of authorship.

2. Panoramic has specialized in wide and large-format panoramic photography for over 25 years. Their global roster of acclaimed photographers captures the world in

awe-inspiring size to create a collection of international images: city skylines, landscapes, travel, lifestyles, cultural heritage, world destinations and aerals.

3. Defendant THE WASHINGTON UNIVERSITY IN ST. LOUIS (“Wash U”) is an institute of higher learning founded in 1853 in St. Louis, Missouri. Wash U has numerous academic divisions including a School of Law, School of Medicine, the Sam Fox School of Design and Visual Arts, Arts and Sciences, the Olin Business School, the McKelvey School of Engineering, and the Brown School of social work and public health. At all times relevant herein, Wash U owned and operated the internet website located at the URL www.wustl.edu (the “Website”).

4. Panoramic alleges that Wash U copied Panoramic’s copyrighted Work in order to advertise, market and promote its business activities. Wash U committed the violations alleged in connection with Wash U’s business for purposes of advertising and promoting sales to the public in the course and scope of the Wash U’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Missouri.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. The Washington University in St. Louis is a Missouri charter with its principal place of business at One Brookings Drive, Saint Louis, MO 63130.

THE COPYRIGHTED WORK AT ISSUE

10. In 2000, Richard Sisk created the photograph entitled “69309”, which is shown below and referred to herein as the “Work”.



11. Panoramic registered the Work with the Register of Copyrights on January 22, 2018 and was assigned the registration number VA 2-085-940. The Certificate of Registration is attached hereto as Exhibit 1.

12. Panoramic’s Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Panoramic was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. Wash U has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Wash U copied the Work.

16. On or about October 21, 2020, Panoramic discovered the unauthorized use of its Work on the Website on the Office of Scholar Programs Network page.

17. Wash U copied Panoramic's copyrighted Work without Panoramic's permission.

18. After Wash U copied the Work, it made further copies and distributed the Work on the internet to promote the sale of services as part of its institute of higher learning business.

19. Wash U copied and distributed Panoramic's copyrighted Work in connection with Wash U's business for purposes of advertising and promoting Wash U's business, and in the course and scope of advertising and selling services.

20. Panoramic's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Wash U committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Panoramic never gave Wash U permission or authority to copy, distribute or display the Work at issue in this case.

23. Panoramic notified Wash U of the allegations set forth herein on October 27, 2020. To date, the parties have failed to resolve this matter. A copy of the Notice to Wash U is attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

24. Panoramic incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Panoramic owns a valid copyright in the Work at issue in this case.

26. Panoramic registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. Wash U copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Panoramic's authorization in violation of 17 U.S.C. § 501.

28. Wash U performed the acts alleged in the course and scope of its business activities.

29. Wash U's acts were willful.

30. Panoramic has been damaged.

31. The harm caused to Panoramic has been irreparable.

COUNT II
REMOVAL OR ALTERATION OF COPYRIGHT INFORMATION

32. Plaintiff incorporates by reference all prior paragraphs of this Complaint as if such were fully set forth herein.

33. The Work is located at www.panoramicimages.com, where it is affixed with "(c) Panoramic Images - All Rights Reserved." In addition, Plaintiff supplied the name of the photographer and the title of the image.

34. Thus, Plaintiff's Work contains copyright management information as defined in 17 U.S.C. § 1202(c). All of this information is available on the source for the image, which is Plaintiff's website.

35. In violation of 17 U.S.C. § 1202(b), Defendants, without the authority of the copyright owner or the law, intentionally removed or altered copyright management information for Plaintiff's Work including but not limited to the title of the Work and the author of the Work,

knowing or having reasonable grounds to know that doing so would induce, enable, facilitate or conceal an infringement of right under Title 12 of the United States Code.

36. Defendants, in violation of 17 U.S.C. § 1202(a), provided false information about the copyright of the Work in that Defendants claimed that all of the content on their website was copyright-protected in favor of Defendant as of 2021.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant such that:

a. Defendant and its agents, servants, employees, affiliated entities, and all of those in active concert with it, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Under 17 U.S.C. § 1203(b)(3) Defendants be required to pay Plaintiff its actual damages and additional profits of Defendants in accordance with 17 U.S.C. § 1203(c)(2) or, if Plaintiff so elects before judgement is entered, statutory damages in accordance with 17 U.S.C. § 1203(c)(3);

e. Under 17 U.S.C. § 1203(b)(4), Plaintiff be awarded costs;

f. Under 17 U.S.C. § 1203(b)(5), Plaintiff be awarded reasonable attorneys' fees and costs;

g. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

VOYTAS LAW, LLC

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