

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

AJAY SURESH,

Plaintiff,

v.

RHODE ISLAND SCHOOL OF DESIGN,

Defendant.

C.A. No.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff AJAY SURESH by and through his undersigned counsel, brings this Complaint against Defendant RHODE ISLAND SCHOOL OF DESIGN for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff AJAY SURESH (“Suresh”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Suresh's original copyrighted Work of authorship.

2. Suresh is an experienced, self-taught photographer, who has been capturing street and travel photographs for more than five years. He uses Olympus lenses and cameras for his work. He creates photographs with the intention of capturing artistic moments and offering licenses of those photographs to third-parties

3. Defendant RHODE ISLAND SCHOOL OF DESIGN (“RISD”) is a prominent college and museum located in Providence, Rhode Island. RISD is one of the first independent colleges of art and design in the United States and offers graduate and undergraduate programs,

as well as pre-college programs and continuing education. At all times relevant herein, RISD owned and operated the Facebook page located at the internet URL

www.facebook.com/risdcareers (the “RISD Facebook Page”).

4. Suresh alleges that RISD copied Suresh’s copyrighted Work from the internet in order to advertise, market and promote its business activities. RISD committed the violations alleged in connection with Defendant’s business for purposes of advertising and promoting sales to the public in the course and scope of the RISD’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. RISD is subject to personal jurisdiction in Rhode Island.

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, RISD engaged in infringement in this district, RISD resides in this district, and RISD is subject to personal jurisdiction in this district.

DEFENDANT

9. Rhode Island School of Design is a Rhode Island Not for Profit, with its principal place of business at 20 Washington Place, Providence, Rhode Island, 02903, and can be served by serving its Registered Agent, Renee Byas, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2021, Suresh created the photograph entitled “Newport Art Museum,” which is shown below and referred to herein as the “Work”.



11. Suresh registered the Work with the Register of Copyrights on January 9, 2022, as part of a group registration. The Group Registration was assigned registration number VA 2-290-172. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Suresh makes his work available via Flickr and a Creative Commons 2.0 License.

13. For a party to be allowed to use a Creative Commons 2.0 License (“CC 2.0”), it is conditioned upon the prospective licensee of the Work attributing the Work to the original owner/claimant of the Work.

14. In part, the CC 2.0 license states, “You must give appropriate credit, provide a link to the license and indicate if changes were made.”¹

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

¹ <https://creativecommons.org/licenses/by/2.0/>

INFRINGEMENT BY RISD

16. RISD has never been licensed to use the Work at issue in this action for any purpose.

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

18. On or about February 10, 2023, Suresh discovered the unauthorized use of his Work on the RISD Facebook Page.

19. RISD copied Suresh's copyrighted Work without Suresh's permission.

20. After RISD copied the Work, it made further copies and distributed the Work on the internet to promote the sale of its services.

21. RISD copied and distributed Suresh's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

22. RISD committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

23. Suresh never gave RISD permission or authority to copy, distribute or display the Work at issue in this case.

24. Suresh notified RISD of the allegations set forth herein on May 28, 2024, and June 11, 2024. To date, the parties have failed to resolve this matter.

25. When RISD copied and displayed the Work at issue in this case, RISD failed to provide attribution as required by the CC 2.0 license.

26. Defendant's failure to attribute is a violation of 17 U.S.C. § 1202(b) as removal of copyright management information.

27. Suresh never gave RISD permission or authority to remove copyright management information from the Work at issue in this case.

COUNT I
COPYRIGHT INFRINGEMENT

28. Suresh incorporates the allegations of paragraphs 1 through 27 of this Complaint as if fully set forth herein.

29. Suresh owns a valid copyright in the Work at issue in this case.

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

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

32. RISD performed the acts alleged in the course and scope of its business activities.

33. Defendant's acts were willful.

34. Suresh has been damaged.

35. The harm caused to Suresh has been irreparable.

COUNT II
VICARIOUS COPYRIGHT INFRINGEMENT BY LIU

36. Suresh incorporates the allegations of paragraphs 1 through 35 of this Complaint as if fully set forth herein.

37. Suresh owns a valid copyright in the Work at issue in this case.

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

39. RISD copied, displayed, and distributed the Work at issue in this case and made derivative of the Work without Suresh's authorization in violation of 17 U.S.C. § 501.

40. RISD had the right and ability to supervise the infringing activities of any third party alleged herein.

41. RISD had a direct financial interest in the infringing activities alleged herein. As a result of RISD's vicarious infringement as alleged above, RISD obtained direct and indirect profits it would otherwise not have realized but for its infringement of the Work

42. Suresh has been damaged.

43. The harm caused to Suresh has been irreparable.

COUNT III
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

44. Suresh incorporates the allegations of paragraphs 1 through 43 of this Complaint as if fully set forth herein.

45. The Work at issue in this case requires attribution and contains copyright management information ("CMI").

46. RISD knowingly and with the intent to enable or facilitate copyright infringement, removed CMI from the Work at issue in this action in violation of 17 U.S.C. § 1202(b).

47. RISD committed these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Suresh's rights in the Work at issue in this action protected under the Copyright Act.

48. RISD caused, directed, and authorized others commit these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate, or conceal infringement of Suresh's rights in the Work at issue in this action protected under the Copyright Act.

49. Suresh has been damaged.

50. The harm caused to Suresh has been irreparable.

WHEREFORE, the Plaintiff AJAY SURESH prays for judgment against the Defendant RHODE ISLAND SCHOOL OF DESIGN that:

- a. RISD and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;
- b. RISD be required to pay Suresh his actual damages and Defendant's profits attributable to the infringement, or, at Suresh's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;
- c. Suresh be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Suresh be awarded pre- and post-judgment interest; and
- e. Suresh be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

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

Dated: April 7, 2025

Respectfully submitted,

/s/ Chip Muller

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