

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ZINKIA ENTERTAINMENT,

Plaintiff,

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No.: 1:21-cv-05262

Judge Charles R. Norgle, Sr.

Magistrate Judge Gabriel A. Fuentes

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, ZINKIA ENTERTAINMENT, S.A.’s (“ZINKIA” or “Plaintiff”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified in Schedule A (collectively, the “Defendants”).

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. “In the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its counterfeit goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the state).” *Am. Bridal & Prom Indus. Ass’n v. P’ships & Unincorporated Ass’ns Identified on Schedule A*, 192 F.Supp.3d 924, 934 (N.D. Ill. 2016). In this case, Plaintiff has presented screenshot evidence that each Defendant Internet Store is reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products using counterfeit versions of Plaintiff’s trademarks and

copyrights. *See* Docket No. 12 which includes screenshot evidence confirming that each Defendant Internet Store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the POCOYO trademarks, U.S. Trademark Registration Nos. 4,177,572; 4,208,291; 4,212,395; 4,303,178; and 4,361,623 (collectively, the “POCOYO Trademarks”) and/or products infringing the POCOYO Works, Copyright Registration Nos. VAu 05-842 (2003); VAu 605-841 (2003); VAu 622-247 (2004); VAu 622-245 (2004); and VAu 622- 246 (2004) (the “POCOYO Works”).

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of ZINKIA’s previously granted Motion for a Temporary Restraining Order establishes that ZINKIA has a likelihood of success on the merits; that no remedy at law exists; and that ZINKIA will suffer irreparable harm if the injunction is not granted.

Specifically, ZINKIA has proved a *prima facie* case of trademark infringement because (1) the POCOYO Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register and the POCOYO Works are registered with the United States Copyright Office, (2) Defendants are not licensed or authorized to use the POCOYO Trademarks and POCOYO Works, and (3) Defendants’ use of the POCOYO Trademarks and POCOYO Works is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with ZINKIA. Furthermore, Defendants’ continued and unauthorized use of the POCOYO Trademarks and POCOYO Works irreparably harms ZINKIA through diminished goodwill and brand confidence, damage to ZINKIA’s reputation, loss of exclusivity,

and loss of future sales. Monetary damages fail to address such damage and, therefore, ZINKIA has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their affiliates, officers, agents, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
 - a. using the POCOYO Trademarks and POCOYO Works or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine POCOYO product or not authorized by ZINKIA to be sold in connection with the POCOYO Trademarks and POCOYO Works;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine POCOYO product or any other product produced by ZINKIA, that is not ZINKIA's or not produced under the authorization, control or supervision of ZINKIA and approved by ZINKIA for sale under the POCOYO Trademarks and POCOYO Works
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of ZINKIA, or are sponsored by, approved by, or otherwise connected with POCOYO;
 - d. further infringing the POCOYO Trademarks and POCOYO Works and damaging ZINKIA's goodwill;
 - e. otherwise competing unfairly with ZINKIA in any manner;

- f. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for ZINKIA, nor authorized by ZINKIA to be sold or offered for sale, and which bear any of the POCOYO Trademarks and POCOYO Works or any reproductions, counterfeit copies or colorable imitations thereof;
 - g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, or any other online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing POCOYO products; and
 - h. operating and/or hosting at the Defendant Internet Stores and any other online marketplace accounts registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the POCOYO Trademarks and POCOYO Works or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine POCOYO product or not authorized by ZINKIA to be sold in connection with the POCOYO Trademarks and POCOYO Works.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, eBay, PayPal, WISH, Amazon, Alipay, JOOM, and DHgate, and Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within three (3) business days of receipt of this Order:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the POCOYO Trademarks and POCOYO Works, including any accounts associated with the Defendants listed in Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the POCOYO Trademarks and POCOYO Works; and
 - c. take all steps necessary to prevent links to the Defendant Internet Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.
3. Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' Online Stores, including, without limitation, any online marketplace platforms such as Marketplaces, advertisers, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers, including eBay, PayPal, WISH, Amazon, Alipay, JOOM, and DHgate, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within three (3) business days after receipt of such notice, provide to ZINKIA expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

- a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
 - b. the nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with Defendant Internet Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Internet Stores;
 - c. Defendants' websites and/or any Online Marketplace Accounts;
 - d. the Defendant Internet Stores registered by Defendants; and
 - e. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Amazon, WISH, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
5. eBay, Inc. ("eBay"), PayPal, Inc., ("PayPal"), ContextLogic, Inc. d/b/a Wish.com ("WISH"), Huguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY ("DHgate"), SIA Joom ("Joom"), Amazon Payments, Inc.

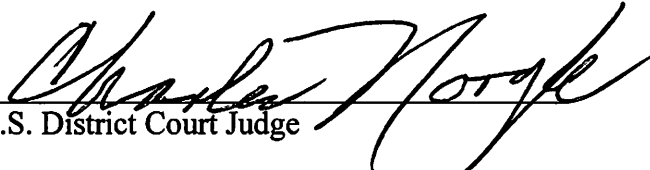
("Amazon"), and Alipay US, Inc. ("Alipay"), and its affiliated companies and affiliates, shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendant Internet Stores:

- a. locate all accounts and funds connected to Defendants, Defendant Internet Stores, including, but not limited to, any eBay, PayPal, Amazon, Alipay, JOOM, DHgate, and WISH accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 3 to the Declaration of Alberto Delgado Gavela; and
 - b. restrain and enjoin any such accounts or funds that are non-U.S. foreign based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
6. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any Defendant Internet Stores, shall within three (3) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants, or Defendants' Online Stores, including, but not limited to, any accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 3 to the Declaration of Alberto Delgado Gavela; and
 - b. restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. ZINKIA may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending an e-mail to the e-mail addresses identified in Exhibit 3 to the

Declaration of Alberto Delgado Gavela and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of “Hefei Luyang District Qianwan Home Textile Products Store and all other Defendants identified in the Complaint” that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from Online Marketplace Accounts and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to ZINKIA or on shorter notice as set by this Court.
9. The \$10,000 bond posted by ZINKIA shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.
10. The Clerk is directed to unseal any previously sealed documents in this matter, namely (1) Plaintiff's Schedule A attached to the Complaint, which includes a list of the Defendant Internet Stores [2]; (2) screenshot printouts showing the active Defendant Internet Stores (Exhibit 3 to the Declaration of Alberto Delgado Gavela) [12] and (3) the Temporary Restraining Order [18].

Dated: 10/24, 2021


U.S. District Court Judge

SCHEDULE A

No.	Defendant
1	Hefei Luyang District Qianwan Home Textile Products Store
2	Ma'anshan Shengce Trading Co., Ltd.
3	Tonglu Maisijie E-Commerce Co., Ltd.
4	2017luckshop_4
5	ankry7
6	chari umanga
7	fluorescence cornucopia
8	i p shop 24
9	mekongfactory
10	omegajbl1314
11	pink la rosa
12	shinedove
13	tezh range
14	zhongqianl-0
15	0033WEIgs48624
16	ALvin Anderson45
17	FULAI1ko*ko9258
18	g55496347
19	hangzhoulequwanjuyouxiangongsi
20	Home Goods
21	szcw
22	A peacock
23	AllenwniUS
24	bailongus
25	Black-Cat-Sheriff
26	Robinsons
27	CakeTopper QD
28	cheng du wei zhu tong shang mao you xian gong si
29	chengdubuy
30	Chunhong Trading Company
31	Cosmic-Store
32	dashudexiaodian
33	DearSnow
34	DEMAYL
35	dsgsbd
36	Duan Lei Department Store
37	feibinbaihuo
38	FZIGUOY
39	Godnovon
40	GSNBNB
41	guangzhoudirankejiyouxiangongsi1

42	guangzhoushizengchengquhunershangmaoyouxianangongsi
43	guangzhouyingbaishangmaoyouxianangongsi
44	GZKH88
45	HanDanShiYongNianOuLinMingGuanZhenWenKanBaiHuoShan
46	Hanfeng Trading Company
47	hangzhouhushihuazhuangpin Co Ltd
48	hfu
49	hudongbaihuodian
50	huzheng202
51	iguiyongmaoyishanghang
52	inmsd
53	jianasenwujinzhpin
54	JiangYunKeJi
55	jiesang shop
56	jinanliluxinghulianwang
57	jinchangjiang
58	jingjiangshishiyimaoyishanghang
59	JingZhouYaoLingJiuWangLuoKeJiYouXianGongSi
60	jinlongshangmao
61	kaihuaxichendianzishangwushanghang
62	kaihuayichengyuanlinlvhuafuwubu
63	keqinbaobei
64	lankaoxianyunhuashangmaoyouxianangongsi
65	LAOGUAN
66	Liangwenjuan
67	lichengquxiaohaobaihuodian
68	liuyongzhen-CN
69	LONGJAO
70	Lulu Global Selection
71	luoqujiachenbaihuo
72	LUOYINGMEI
73	Maier
74	Makka-Pakka
75	MeetXia
76	mengjiebaihuo
77	minquanxianaimingzhushangmaoyouxianangongsi
78	Moo-moo
79	MOOTYBCEELQ
80	NanXiShangMaoGongSi
81	Naughty kid
82	Nice-wang
83	OMfzh17
84	PAPAJOHNSPIZZA

85	putianshiaodubanmaoyiyouxiangongsi
86	putianshichuchumaoludianzishangwuyouxiangongsi
87	putianshilangqingfuzhuangyouxiangongsi
88	pyweitushangmao
89	QIANFYHUA
90	RJXDZ store
91	sairui-us
92	shangshanxiangbaihuo
93	shiyanting
94	SUIRAN
95	Takui Trading
96	TWWBHSB
97	victoriaofstyle
98	wanghuiwenamzuk
99	wangpufeng
100	wanyumaoyishanghang
101	wenrong
102	WUFYYING
103	Xiangyangpangxinshangmao
104	xiaohongmaomuwu
105	XiaPuXianYanGaoFuZhuangJingYingBu
106	xingyuanxiaojia
107	Yabin Department Store
108	yangxiaoling-cn
109	yanjieshangmao
110	Yiwu Xiafei Electronic Commerce Co., Ltd.
111	yiwu jinrongmaoyi
112	yi wushipuxuejiaoyuxinxizixunyouxiangongsi
113	Yokoboom
114	youxixianlingchengxingshanghang
115	youxixianquandingdongshuishanghang
116	YueChaoDianZi
117	Yuetang Minfeng Department Store
118	zhangjuping-shop
119	zhujixiangxiaodian
120	郸城县宇宇百货经营部
121	-Naughty baby Store
122	365 wholesale
123	Absolutely TT Store
124	AnYoGa Store
125	Building Blocks&KE Store
126	Changchun Ai Kun Technology Co., Ltd.
127	chenwanju Store
128	children's t-shirt 311 Store

129	Collector's Store
130	DB 03 Kids Store
131	EUWP Store
132	Hebei Lingmou Trading Co., Ltd.
133	Hello Balloons
134	kids clothes Goo Store
135	kids plans Store
136	LC Kids Clothes Store
137	Little art in life Store
138	Mofy Store
139	okla Store
140	Party Backdrop Store
141	pika plush Store
142	Shenzhen Jiajian Chengpin Trading Co., Ltd. Store
143	Shenzhen Leguoguo Trading Co., Ltd.
144	Shop4422213 Store
145	Shop5250300 Store
146	Shop5888984 Store
147	Shop911124237 Store
148	Shop911257425 Store
149	Sichuan TS Technology Co., Ltd.
150	SSUPTA Store
151	SUSUTOO Store
152	Toy World House Store
153	Toy's house Store
154	wangyh0625 Store
155	xiangxiang toy Store
156	xiaohuihui Store
157	Xuanxuan's Store
158	Ya Ya toy Store
159	Yiwu City Changxiang Arts & Crafts Co., Ltd.
160	Yiwu Yushuo Trading Co., Ltd.
161	Yiwu Yuyun Trading Co., Ltd.
162	fashiontrendsvip1
163	kimo1012
164	makehuafe
165	pop2019
166	sfe1012
167	shuyalgc55
168	wholesalestore2021
169	GoodFine
170	ZZS