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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Wavve Americas Incorporated,

10 Plaintiff,

11 v.

12 Tumi Max,

13 Defendant.
14

No. CV-23-01819-PHX-MTL

PERMANENT INJUNCTION

15 This matter is before the Court on Plaintiff Wavve Americas, Inc.'s Motion for
16 Entry of Default Judgement against Defendant Tumi Max. After having considered the
17 moving papers, declarations, arguments, and authorities submitted by the Plaintiff, the
18 Court finds as follows:

19 1. A default was entered by the Clerk of the Court against Defendant Tumi Max
20 on October 17, 2023. (Doc. 23.)

21 2. Defendant is not a minor, nor an incompetent person, nor a member of the
22 military services of the United States.

23 3. Defendant did not appear or otherwise defend in this action.

24 4. The Court granted default judgment in favor of Plaintiff. (Doc. 33, as
25 amended at Doc. 34.)

26 5. The Court entered default judgment in favor of Plaintiff on the claims
27 asserted by Plaintiff for trademark infringement under 15 U.S.C. § 114, cybersquatting
28 under 15 U.S.C. § 1125(d), copyright infringement under 17 U.S.C. § 501, federal unfair

1 competition under 15 U.S.C. § 1125(a), and tortious interference with business expectancy
2 under Arizona law. (Doc. 33.)

3 Accordingly,

4 **IT IS ORDERED** that Defendant, and those persons in active concert with
5 Defendant, are permanently enjoined and shall immediately cease all use in commerce of
6 the mark KOCOWA or any other confusingly similar mark, including but not limited to
7 KOKOA and non-distinct variations thereof.

8 **IT IS FURTHER ORDERED** that the domain name registrar for the domain
9 names KOKOA.TV and KOKOATV.NET, including but not limited to NameCheap, Inc.,
10 shall transfer ownership of the domain names KOKOA.TV and KOKOATV.NET to
11 Plaintiff, and the domain registrar shall take any steps necessary to transfer the domain
12 names KOKOA.TV and KOKOATV.NET to plaintiff's control.

13 **IT IS FURTHER ORDERED** that Defendant, and those persons in active concert
14 with Defendant, are permanently enjoined and shall immediately cease engaging in any of
15 the following activities:

- 16 1. Storing, reproducing, displaying, or distributing any of the copyrighted
17 works;
- 18 2. Transmitting, retransmitting, assisting in the transmission of, requesting
19 transmission of, streaming, hosting or providing unauthorized access to, or otherwise
20 publicly performing, directly or indirectly, by means of any device or process, any of the
21 copyrighted works;
- 22 3. Selling, advertising, marketing, or promoting any of the copyrighted works;
- 23 4. Creating, operating, maintaining, or managing any website in support of
24 activities described in ¶¶ (1) – (3);
- 25 5. Registering, owning, receiving, or transferring any domain name in support
26 of the activities described in ¶¶ (1) – (4);
- 27 6. Creating or providing assistance to others who wish to engage in the
28 activities described in ¶¶ (1) – (5);

