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7 Attorneys for Plaintiffs
 ABS-CBN CORPORATION,
 8 ABS-CBN FILM PRODUCTIONS, INC.,
 and ABS-CBN INTERNATIONAL

9 **THE UNITED STATES DISTRICT COURT**
 10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12	ABS-CBN CORPORATION, a)	Case No. 2:16-cv-08031-PSG-JEM
	Philippines corporation,)	
13	ABS-CBN FILM PRODUCTIONS,)	PROPOSED AMENDED FINAL
	INC. d/b/a Star Cinema, a Philippines)	DEFAULT JUDGMENT AND
14	corporation, and ABS-CBN)	PERMANENT INJUNCTION
	INTERNATIONAL CORPORATION,)	
15	a California corporation,)	
)	Judge: Hon. Philip S. Gutierrez
16	Plaintiffs,)	
17	v.)	Complaint Filed: October 27, 2016
)	
18	JOHN DOES 1-10 inclusive d/b/a THE)	Date: July 10, 2017
	INDIVIDUALS, PARTNERSHIPS,)	Time: 1:30 p.m.
19	OR BUSINESS ASSOCIATIONS ON)	Courtroom: 6A
	SCHEDULE "A," inclusive,)	
20)	
	Defendants.)	
21)	
22)	
23)	

1 THIS MATTER having come before the Court upon Plaintiffs ABS-CBN
2 Corporation's, ABS-CBN Film Productions, Inc. d/b/a Star Cinema's, and ABS-
3 CBN International's (collectively, "ABS-CBN" or "Plaintiffs") Motion for Entry of
4 Final Default Judgment against Defendants JOHN DOES 1-10 inclusive doing
5 business as or operating the domain names listed on Schedule "A" hereto (the
6 "Defendants"), and the Court having granted the Motion for Entry of Default and
7 ABS-CBN having previously dismissed without prejudice all other defendants and
8 claims not arising from the content on the websites using domain names listed on
9 Schedule "A" hereto pursuant to Fed. R. Civ. Proc. R. 41(a)(1)(A)(i), does hereby;

10 ORDER AND ADJUDGE that Plaintiffs' Motion for Entry of Final Default
11 Judgment against Defendants is GRANTED. Judgment is hereby entered in favor of
12 Plaintiffs, and against Defendants, as follows:

13 1. Permanent Injunctive Relief:

14 Defendants and their respective officers, agents, servants, employees and
15 attorneys, and all persons in active concert and participation with them are hereby
16 permanently restrained and enjoined from intentionally and knowingly:

- 17 a. advertising, promoting, performing, copying, broadcasting, and/or
18 distributing any of Plaintiffs' content or copyrighted works that
19 currently exist or which exist in the future, including but not limited
20 to those works identified on Exhibit A hereto (collectively,
21 "Copyrighted Works");
- 22 b. advertising, promoting, offering, using, or causing to be advertised,
23 promoted, or offered, services using Plaintiffs' registered or
24 common law trademarks identified, including but not limited to
25 those identified on Exhibit B hereto, (collectively, the "ABS-CBN
26 Marks");

- 1 c. using the ABS-CBN Marks in connection with any unauthorized
2 services or performances of Plaintiffs' content or Copyrighted
3 Works;
- 4 d. using any logo, and/or layout which may be calculated to falsely
5 advertise content, services, or products of Defendants offered or
6 promoted via the domain names identified hereto on Schedule "A"
7 (the "Subject Domain Names") and/or any other website, domain
8 name, or business, as being sponsored by, authorized by, endorsed
9 by, or in any way associated with Plaintiffs;
- 10 e. falsely representing themselves as being connected with Plaintiffs,
11 through sponsorship or association;
- 12 f. engaging in any act which is likely to falsely cause members of the
13 trade and/or of the public to believe any content or services of
14 Defendants are in any way endorsed by, approved by, and/or
15 associated with Plaintiffs;
- 16 g. using any reproduction, counterfeit, copy, or colorable imitation of
17 the ABS-CBN Marks in connection with the publicity, promotion,
18 advertising, or distribution of any content or services by Defendants
19 via the Subject Domain Names and/or any other website;
- 20 h. affixing, applying, annexing or using in connection with the
21 promotion, distribution, or advertisement of any content or services,
22 a false description or representation, including words or other
23 symbols tending to falsely describe or represent Defendants'
24 content or services offered by the Defendants via the Subject
25 Domain Names and/or any other website or business, as being
26 connected with Plaintiffs, or in any way endorsed by Plaintiffs;
- 27 i. otherwise unfairly competing with Plaintiffs;
- 28

- 1 j. using the ABS-CBN Marks, or any confusingly similar trademarks,
2 within domain name extensions, metatags or other markers within
3 website source code, from use on any webpage (including as the
4 title of any web page), from any advertising links to other websites,
5 from search engines' databases or cache memory, and any other
6 form of use of such terms which is visible to a computer user or
7 serves to direct computer searches to websites registered by,
8 owned, or operated by Defendants, including the Internet websites
9 operating under the Subject Domain Names;
- 10 k. effecting assignments or transfers, forming new entities or
11 associations or utilizing any other device for the purpose of
12 circumventing or otherwise avoiding the prohibitions set forth
13 above.

14 2. Additional Equitable Relief:

- 15 a. In order to give practical effect to the Permanent Injunction, the
16 Subject Domain Names identified on Schedule "A" hereto are
17 hereby ordered to be immediately transferred by Defendants,
18 their assignees and/or successors in interest or title, and the
19 Registrars to Plaintiffs' control. To the extent the current
20 Registrars do not facilitate the transfer of the domain names to
21 Plaintiffs' control within five (5) days of receipt of this
22 judgment, the Registries shall, within thirty (30) days, change
23 the Registrars of Record for the Subject Domain Names to a
24 Registrar of Plaintiffs' choosing, and that Registrar shall transfer
25 the Subject Domain Names to Plaintiffs; and
- 26 b. Upon Plaintiffs' request, the top-level domain (TLD) Registry
27 for the Subject Domain Names identified on Schedule "A"
28 hereto, within thirty (30) days of receipt of this Order, shall

1 cancel or place the Subject Domain Names on Registry Hold
2 status for the life of the current registration, thus removing them
3 from the TLD zone files maintained by the Registries which link
4 the Subject Domain Names to the IP addresses where the
5 associated websites are hosted.

6 3. Damages are awarded to the Plaintiffs to be paid by the Defendants
7 pursuant to 17 U.S.C. § 504(c), for which let execution issue, as
8 follows:

- 9 a. \$210,000.00 against Defendants doing business as filikula.com;
- 10 b. \$30,000.00 against Defendants doing business as
11 pinoyteleserye.info;
- 12 c. \$30,000.00 against Defendants doing business as phtv.me;
- 13 d. \$30,000.00 against Defendants doing business as
14 pinoyglobaltv.com;
- 15 e. \$30,000.00 against Defendants doing business as
16 pinoyhdreplay.me a/k/a pinoyhdreplay.su;
- 17 f. \$30,000.00 against Defendants doing business as
18 pinoymoviepedia.to;
- 19 g. \$30,000.00 against Defendants doing business as pinoystv.com;
- 20 h. \$30,000.00 against Defendants doing business as
21 pinoyteleseryerewind.com; and
- 22 i. \$30,000.00 against Defendants d/b/a pinoytvpedia.com.

23 4. Plaintiffs are deemed the prevailing parties in this litigation.

24 5. Cost of suit are awarded to the Plaintiff to be paid by the Defendants in
25 the amount of \$400.00 pursuant to 15 U.S.C. § 1117(a) and 17 U.S.C.
26 § 505.

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6. Attorneys' fees are awarded to the Plaintiffs to be paid by the Defendants pursuant to 15 U.S.C. § 1117(a), 7 U.S.C. § 505, and Local Rule 55-3, for which let execution issue, as follows:

- a. \$7,800.00 against Defendants doing business as filikula.com;
- b. \$2,400.00 against Defendants doing business as pinoyteleserye.info;
- c. \$2,400.00 against Defendants doing business as phtv.me;
- d. \$2,400.00 against Defendants doing business as pinoyglobaltv.com;
- e. \$3,000.00 against Defendants doing business as pinoyhdreplay.me a/k/a pinoyhdreplay.su;
- f. \$2,400.00 against Defendants doing business as pinoymoviepedia.to;
- g. \$2,400.00 against Defendants doing business as pinoystv.com;
- h. \$2,400.00 against Defendants doing business as pinoyteleseryerewind.com; and
- i. \$2,400.00 against Defendants doing business as pinoytvpedia.com.

7. Interest from the date this action was filed (October 27, 2016) shall accrue at the rates set forth in the memorandum attached hereto as Exhibit C.

8. This Court retains jurisdiction to enforce this Judgment and permanent Injunction.

9. The Clerk is directed to close this case.

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10. All pending Motions are denied as moot.

IT IS SO ORDERED

DATED: 7/5/17

PHILIP S. GUTIERREZ

HON. PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE

Presented By:
July 3, 2017

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Seong H. Kim
SEONG H. KIM

Attorneys for Plaintiffs
ABS-CBN CORPORATION, ABS-CBN
FILM PRODUCTIONS, INC. D/B/A STAR
CINEMA, and ABS-CBN INTERNATIONAL

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SCHEDULE "A"
DEFENDANTS BY SUBJECT DOMAIN NAME

Subject Domain Name
filikula.com
pinoyteleserye.info
phtv.me
pinoyglobaltv.com
pinoyhdreplay.me
pinoyhdreplay.su
pinoymoviepedia.to
pinoystv.com
pinoyteleseryerewind.com
pinoytvpedia.com
pnoytv.online

EXHIBIT A

Copyright Registrations:

Movies

Title of Work:	Registration Number:	Registration Date:
A Moment in Time	PA 1-895-745	5/28/2014
A Second Chance	PA 1-965-375	12/08/2015
Bride for Rent	PA 1-940-387	4/28/2015
Beauty and the Bestie	PA 1-997-536	8/23/2016
Crazy Beautiful You	PA 1-940-375	4/28/2015
Dukot	PA 1-997-530	8/23/2016
It Takes a Man and a Woman	PA 1-997-528	8/23/2016
Maybe this Time	PA 1-940-383	4/28/2015
The Achy Breaky Hearts	PA 1-997-529	8/23/2016
The Trial	PA 1-942-399	5/18/2015
You're My Boss	PA 1-941-932	5/11/2015
Be My Lady, July 28, 2016	PA 1-995-707	8/03/2016
Doble Kara, July 28, 2016	PA 1-995-722	8/03/2016

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EXHIBIT B

Registered Trademarks:

<u>Trademark</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>Class/Services</u>
ABS-CBN	2,334,131	March 28, 2000	IC 038 – television broadcasting services via satellite and cable
TFC	3,733,072	Jan. 5, 2010	IC 038 – Cable television broadcast IC 041 – television show production and programming

Common Law Trademark:



1 **EXHIBIT C**

2 Pursuant to L.R. 58-7, Plaintiffs hereby submit the interest calculation below:

3 Plaintiffs' Motion for Entry of Default Judgment seeks \$450,000 in statutory
4 damages and \$27,600 in attorneys' fees from Defendants, totaling \$476,600
5 ("Default Amount Owed").

6 From the date the Court signs Plaintiffs' [Proposed] Final Default Judgment
7 and Permanent Injunction, interest shall accrue on the Default Amount Owed at a
8 rate of 1.21%, which rate was calculated in accordance with 28 U.S.C. § 1961(a).
9 Such interest is calculated from the date of the entry of the judgment, at a rate equal
10 to the weekly average 1-year constant maturity Treasury yield, as published by the
11 Board of Governors of the Federal Reserve System, for the calendar week
12 preceding the date of the judgment.

13 From the date this action was filed (October 27, 2016) until the date the
14 Court signed Plaintiffs' [Proposed] Final Default Judgment and Permanent
15 Injunction, pre-judgment interest accrued at a daily amount of \$15.77, calculated
16 based on the same interest rate as indicated above. Such pre-judgment interest totals
17 \$4,037.12.