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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

SANDY ROUTT, d/b/a ,  
SANDYSBEACHGIFTS.COM and SANDYS  
BEACH

Plaintiff,

v.

AMAZON.COM, INC.

Defendant.

Cause No.

COMPLAINT FOR  
COPYRIGHT INFRINGEMENT  
FALSE DESIGNATION OF  
ORIGIN AND UNFAIR  
BUSINESS PRACTICES

JURY TRIAL DEMANDED

Plaintiff Sandy Routt, (Ms. Routt) d/b/a SandysBeachGifts.com and Sandys Beach,  
complains of Defendant as follows:

**PARTIES**

1. Ms. Routt is an individual residing within this judicial district at Kingston,  
Washington,

2. Upon information and belief, Defendant Amazon.com, Inc. (“Amazon.com”) is  
a Delaware Corporation with a principle place of business in this judicial district at Seattle,  
Washington.

3. Upon information and belief, Amazon.com is engaged in the business of  
providing retail Internet sales of various products to customers throughout the World as well  
as within this judicial district.

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FACTS

4. Ms. Rount is a talented and well-known Pacific Northwest mixed-media artist and designer of various jewelry, apparel, collectible and other items. Ms. Rount is the creator, owner and operator of an Internet website, known as "SandysBeachGifts.com," through which her original and one-of-a-kind and other items are offered for sale. Ms. Rount has operated the business Sandys Beach since 1996 and the website SandysBeachGifts.com since January, 2007.

5. Through her "SandysBeachGifts.com" website, Ms. Rount displays the various items she has created and offers for sale as well as offering other items for sale that she purchases from various manufacturers and suppliers. Through her "SandysBeachGifts.com" website, Ms. Rount provides potential customers with the opportunity to place orders. Each of the items includes a photograph, most of which were taken and created by Ms. Rount herself, tastefully and artfully displaying the item. The "SandysBeachGifts.com" website includes hundreds of such items and displays these items to purchasers and potential customers throughout the United States and the world.

6. In the course of creating and operating her "SandysBeachGifts.com" website, Ms. Rount, personally took most of the photographs actually used on the site. In so doing, Ms. Rount made the editorial and artistic decisions involved in selecting the items, arranging and illuminating them, and photographing them for maximum artistic impact. Such photographs and other promotional materials constitute original works of authorship for which Ms. Rount has and claims copyright. Such photographs further constitute valuable intellectual property assets of Ms. Rount and are important to the operation and success of her "SandysBeachGifts.com" website.

7. Ms. Rount has filed multiple applications for copyright with the United States Copyright Office directed to the various photographs she has created and uses on her "SandysBeachGifts.com" website. True and correct copies of the copyright registration

1 applications Ms. Routt has filed with the United States Copyright Office are attached as  
2 Exhibit A.

3 8. Defendant Amazon.com maintains several websites that are accessible by and  
4 available to users throughout the United States including in this District. Upon information  
5 and belief, Amazon.com has several “affiliates” that are associated with, under contract  
6 to, Amazon.com. These affiliates offer for sale, through the Amazon.com website and with  
7 the full sponsorship and knowledge of Amazon.com, various products to online customers  
8 throughout the United States. Such products are displayed through the Amazon.com website  
9 and orders can be placed, and payment made, for such products through Amazon.com. Upon  
10 information and belief, revenues received for such orders and sales are shared between  
11 Amazon.com and its affiliates.

12 9. Defendant Amazon.com has, without the authorization or permission of Ms.  
13 Routt, copied, duplicated and displayed on at least one of its affiliated websites many of Ms.  
14 Routt's copyrighted photographs that are the subjects of the copyright registrations filed by  
15 Ms. Routt. In particular, many of Ms. Routt's copyrighted photographs were copied and  
16 displayed at the following websites, each of which prominently features the AMAZON  
17 name:

18 [http://kitchenwallart.afterbreastaugmentaion.net/product/beaded-multi-use-purse-for-  
cell-phone-or-id-holder](http://kitchenwallart.afterbreastaugmentaion.net/product/beaded-multi-use-purse-for-<br/>19 cell-phone-or-id-holder)

20 <http://buyproductnow.net/store/routt-painting>

21 <http://dresseswomen.info/search/crystal-large-grapes-earrings-purple>

22 <http://skecherswomenshoes.16mb.com/search/sandy-routt>

23 <http://elzfaf.com/search/rhinestone-apron-wine-diva>

24 <http://fashionbeautyonlinestore.com/fashionstore/sandysbeachgifts>

25 <http://reviewthebestproducts.com/store/rhinestone-apron-christmas-holiday>

26 <http://fashionlookstore.com/fashionlook/sandy-routt-painting>

27 <http://alenaki.net/search/crystal-grapes-purple-small-lapel-pin>

1 <http://omyud.com/search/crystal-grapes-purple-small-lapel-pin>

2 <http://stratopixel.com/search/sandysbeachgifts>

3 <http://stratopixel.com/search/sandysbeachgifts>

4 <http://the-roomstore.com/search/rhinestone-scoop-neck-shirt-blue-patriotic-usa>

5 <http://toshibastore.laptopreviewsweb.com/search/sandy-routt>

6 <http://barcodescannerstore.info/bestseller/rhinestone-apron-holiday-christmas>

7 <http://iklanmanis.info/search/rhinestone-scoop-neck-shirt-wine-tuscan-grapes>

8 <http://homefurnitureonlineshop.com/homefurniture/sandysbeachgifts>

9 <http://womanfashionstore.com/?s=rhinestone+apron+wine+tuscan+arch>

10 <http://cameraphotographystore.com/store/rhinestone-apron-wine-tuscan-arbor>

11 <http://bathroomremodelstore.com/bestseller/rhinestone-apron-wine-diva>

12 <http://whenistheiphone5comingout.com/search/sandy-routt-painting>

13 Additional websites depicting Ms. Routt's copyrighted photographs are listed on the attached  
14 Exhibit B. True and correct copies of website screen captures showing unauthorized  
15 reproductions of Ms. Routt's copyrighted photographs are attached as Exhibit C. The  
16 "Amazon.com" logo is featured prominently in these web pages.

17 10. Although the above-identified website displays unauthorized copies of Ms.  
18 Routt's photographs and depicts images of Ms. Routt's commercial products, when an attempt  
19 is made to purchase one of the products through the website, the website informs the  
20 purchaser that the depicted product is not available and then suggest alternate products, not  
21 sourced by Ms. Routt, that can be purchased instead. In so doing, the above-identified  
22 website uses Ms. Routt's photographs and depictions of her products to generate initial  
23 interest, only to direct the purchasers to buy products other than Ms. Routt's.

24  
25 **CAUSES OF ACTION**

26 **COUNT I**

27 **COPYRIGHT INFRINGEMENT**

1 11. Ms. Routt incorporates the allegations made in paragraphs 1-10 as if fully set  
2 forth herein.

3 12. Defendant has willfully committed copyright infringement under 17 U.S.C. §  
4 501 et. seq., directly, by inducement, or by way of contributory liability, by knowingly aiding,  
5 causing, or committing, the unauthorized practice or execution of one or more exclusive rights  
6 owned by Ms. Routt as set forth in 17 U.S.C. § 106, said exclusive rights having been  
7 perfected by U.S. Copyright Service Requests as identified in Attached Exhibit A.

8 **COUNT II**

9 **VIOLATIONS OF THE LANHAM ACT**

10 13. Ms. Routt incorporates the allegations made in paragraphs 1-12 as if fully set  
11 forth herein.

12 14. Defendant's unauthorized use of Ms. Routt's copyrighted materials and its  
13 reproduction and emulation of Ms. Routt's photographs and product images are intended to  
14 cause confusion, mistake or to deceive consumers as to the source of origin of their products.  
15 Defendant's actions are likely to cause member of the public who search for Ms. Routt's  
16 genuine products and, as a result find or see the subject website maintained by or on behalf of  
17 Defendant to believe that the subject website maintained by Defendant has an affiliation,  
18 connection, association, origin, or sponsorship relationship with Ms. Routt or vice versa. By  
19 displaying Ms. Routt's genuine products to generate initial interest and thereafter directing  
20 potential customers to different products, Defendant is diverting sales from Ms. Routt and  
21 interfering with her business. Defendants' actions constitute a false designation of origin in  
22 violation of the Lanham Act, 15 U.S.C. § 1125(a)(1).

23 15. Ms. Routt has been and will continue to be irreparably harmed by Defendants'  
24 actions unless Defendants are enjoined from continuing their unauthorized use of Ms. Routt's  
25 copyrighted and other materials and from falsely representing the actual origin of their goods  
26 and services.  
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1           16. Ms. Roult is entitled to recover all of Defendants' profits, damages sustained  
2 by Ms. Roult and the costs of this action that result from Defendants' use of Ms. Roult's  
3 materials as well as trebling of these damages and an award of reasonable attorney's fees  
4 pursuant to 15. U.S.C. § 1117(a).

5   **COUNT III**

6                   **VIOLATION OF WASHINGTON CONSUMER PROTECTION ACT**

7           17. Ms. Roult incorporates the allegations made in paragraphs 1-16 as if fully set  
8 forth herein.

9           18. Defendant's actions in falsely suggesting a connection between Ms. Roult's  
10 photographs of her genuine products on the one hand, and its own websites on the other to  
11 promote the sales of their competing goods and to deceive consumers as to the actual origin of  
12 the goods offered and sold through the respective sites have and are having a deleterious  
13 impact on the public interest and have cause injury to Ms. Roult's business or property.

14           19. Defendants' actions as alleged above amount to a violation of the Washington  
15 Consumer Protection Act, RCW § 19.86 et seq.

16           20. Ms. Roult is and will continue to be irreparably harmed by Defendants' actions  
17 unless Defendant is enjoined from continuing its unauthorized use of Ms. Roult's copyrighted  
18 photographs and other materials and from falsely representing the actual origin of its own  
19 goods and services.

20           21. Ms. Roult is entitled to collect damages under RCW 19.86.090 for Defendants'  
21 willful actions, as well as trebling of damages and an award of attorney's fees.

22   **PRAYER FOR RELIEF**

23           WHEREFORE, Plaintiff, Sandy Roult, prays for the following relief:

24           A. An order entering judgment in favor of Ms. Roult and awarding damages to  
25 Ms. Roult in the amount of Ms. Roult's actual damages and any profits of the Defendant  
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1 attributable to the infringing acts alleged herein, consistent with 17 U.S.C. § 504(a)(1), or, at  
2 its election, an award of statutory damages consistent with 17 U.S.C. § 504(a)(2).

3 B. An order entering judgment in favor of Ms. Routt and enjoining any further  
4 acts of infringement of the copyrights owned or controlled by Ms. Routt and further ordering  
5 the destruction of all articles used (such as master disks or data models) in the acts of  
6 infringement, consistent with remedies available under 17 U.S.C. § 503 and 15 U.S.C. § 1118.

7 C. An award of full costs and reasonable attorney's fees against Defendants and in  
8 favor of Ms. Routt pursuant to 17 U.S.C. § 505.

9 D. Such other further relief the Court may deem just and proper.

10 **JURY DEMAND**

11 Ms. Routt demands a trial by jury on all issues presented in this Complaint.

12  
13 Dated this 1st day of August, 2012.

14 Respectfully submitted,

15 /s/ Philip P. Mann  
16 Philip P. Mann, WSBA No: 28860  
17 **MANN LAW GROUP**  
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23 Attorneys for Plaintiff Sandy Routt  
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