

**COMPLAINT FOR COPYRIGHT INFRINGEMENTS
AND DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS**

COMES NOW Plaintiffs VINCENT KHOURY TYLOR and
VINCENT SCOTT TYLOR, by their attorneys, J. Stephen Street, Attorney at Law,
and Dane Anderson, Attorney at Law, LLC, and for their complaint allege as
follows:

PARTIES

1. Plaintiff VINCENT KHOURY TYLOR is a resident of the State of Hawaii.
2. Plaintiff VINCENT SCOTT TYLOR is a resident of the State of Hawaii.
3. Upon information and belief, Defendant TRIPADVISOR LLC (“TripAdvisor”) is a limited liability company registered to do business in State of Hawaii, and organized in Delaware, with its principal place of business in Needham, Massachusetts, and is a manager of Defendant SMARTER TRAVEL MEDIA LLC.
4. Upon information and belief, Defendant SMARTER TRAVEL MEDIA LLC (“STM”) is a limited liability company organized in Nevada, with its principal place of business in Boston, Massachusetts.
5. JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE

ASSOCIATIONS 1-10 are named herein under fictitious names for the reason that, after investigation of the facts of this action, said Defendants' true names and identities are presently unknown to Plaintiff VINCENT KHOURY TYLOR and Plaintiff VINCENT SCOTT TYLOR (collectively "Plaintiffs") except, upon information and belief, that they are connected in some manner with the named Defendants and/or were the agents, servants, employees, employers, representatives, co-venturers, associates, successors or assignees of the named Defendants who may be under a duty, contractually or otherwise, to pay Plaintiffs compensation for loss incurred by the actions or omissions of the named Defendants and/or were in some manner related to the named Defendants and that their "true names, identities, capacity, activities and/or responsibilities" are presently unknown to Plaintiffs or their attorneys. To ascertain the full names and identities of JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10, Plaintiffs' counsel have investigated the facts alleged herein through *inter alia*, interview of Plaintiffs and inspection of the records in this matter. When the true names and capacities are ascertained, through appropriate discovery, Plaintiffs shall move to amend this action to state the true names.

JURISDICTION AND VENUE

6. This is an action for preliminary and permanent injunctive relief and damages arising from TripAdvisor's and STM's (collectively referred to as "Defendants") copyright infringements in violation of the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* and violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1202.

7. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and § 1338(a).

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400.

FACTUAL ALLEGATIONS

9. Upon information and belief, Defendants knowingly, systematically, and continuously transact business and enter into contracts on an ongoing basis with, and/or provide products or services to, individuals or businesses in the State of Hawaii and/or to individuals or businesses intending to travel to or conduct business in the State of Hawaii.

10. TripAdvisor is doing business in the State of Hawaii as "tripadvisor" and/or "TripAdvisor" and manages, operates, and/or controls a commercial website at <http://www.tripadvisor.com/>, where customers can view information on travel destinations, accommodations, services, and activities; read

and post travel-related reviews; and, search and book travel reservations, including reservations with hotels located in the State of Hawaii. TripAdvisor is the domain registrant, administrator and technical contact for the tripadvisor.com domain.

11. Defendants manage, operate, and/or control a commercial website under their travel media brand “Jetsetter”, at <http://www.jetsetter.com/>, where customers can view information on travel destinations and hotels; complete online bookings at hotels, including at hotels located in the State of Hawaii; and/or, click on icon-buttons to be automatically routed to the linked Jetsetter commercial web pages on social media websites Facebook.com, Twitter.com, and Pinterest.com. TripAdvisor is a manager of STM and TripAdvisor’s Legal Department is the named Registrant, Admin and Tech contact for the jetsetter.com domain for STM; thus, Defendants are managing, operating, and/or controlling the jetsetter.com domain, the commercial website and mobile version of the commercial website at that domain, and social media pages on Facebook.com, Twitter.com, and Pinterest.com that are linked to the jetsetter.com domain, described in paragraphs 11 through 15.

12. Defendants manage, operate, and/or control a mobile version of their commercial website described in paragraph 11, at <https://m.jetsetter.com>, where customers can view information on travel destinations and hotels and

complete online bookings at hotels, including at hotels located in the State of Hawaii.

13. Defendants manage, operate, and/or control a commercial web page on Facebook.com, at <https://www.facebook.com/Jetsetter>, to advertise and promote the Jetsetter brand and commercial website, described in paragraph 11, and to encourage users of that Facebook.com commercial web page to contact the business, navigate to the commercial website, and/or click on provided hyperlinks or postings to be directly routed to the commercial website to take advantage of advertised specials, offers, or to complete online bookings.

14. Defendants manage, operate, and/or control a commercial web page on Twitter.com, at <https://twitter.com/jetsetterdotcom>, to advertise and promote the Jetsetter brand and commercial website, described in paragraph 11, and to encourage users of that Twitter.com commercial web page to contact the business, navigate to the commercial website, and/or click on provided hyperlinks or postings to be directly routed to the commercial website to take advantage of advertised specials, offers, or to complete online bookings.

15. Defendants manage, operate, and/or control a commercial web page on Pinterest.com, at <https://www.pinterest.com/jetsetterphoto/>, to advertise and promote the Jetsetter brand and commercial website, described in paragraph 11, and to encourage users of that Pinterest.com commercial web page to contact

the business, navigate to the commercial website, and/or click on provided hyperlinks to be directly routed to the commercial website to complete online bookings related to the travel destinations, accommodations, and activities featured on that Pinterest.com commercial web page.

16. Each photographic work (“image”) at issue in this case is an original work entitled to copyright protection pursuant to the copyright laws of the United States, and each photographic work at issue is duly registered with the United States Copyright Office.

17. Seven (7) photographic works, image nos.: “K-08 Kee Beach”; “A-24 Tropical Day”; “O-06 Hanauma Bay Wide”; “F-02-B Bird of Paradise”; “O-05 Chinamans Hat”; “A-19 Snorkel Hawaii”; and, “O-01 Waikiki-Pink boat ORIGINAL VERSION”, at issue in this case were created by photographer Plaintiff VINCENT KHOURY TYLOR who owns the copyrights to those works. The copyrights for those photographic works at issue were registered with the United States Copyright Office as 1) VA 1-696-555, effective December 17, 2009, and supplemented by form VA 1-432-741, effective June 20, 2011; and, 2) VA 1-759-562, effective January 29, 2011, in the name of Plaintiff VINCENT KHOURY TYLOR, who holds the exclusive rights and privileges in those photographic works under the United States Copyright Act. True and correct copies of the

Certificates of Registration that relate to those photographic works at issue are attached hereto as Exhibit “A.”

18. One (1) photographic work, image no. “Hanauma Bay Lookout Original”, at issue in this case was created by photographer Plaintiff VINCENT SCOTT TYLOR, who owns the copyright to that work. The copyright for that photographic work at issue was registered with the United States Copyright Office as VA 1-871-794, effective May 13, 2013, in the name of Plaintiff VINCENT SCOTT TYLOR, who has exclusive rights and privileges in that photographic work under the United States Copyright Act. A true and correct copy of the Certificate of Registration that relates to that photographic work at issue is attached hereto as Exhibit “B.”

19. None of the said photographic works was a “work for hire.”

20. Plaintiffs incurred substantial time and expense in creating the photographic works at issue, and Plaintiffs license the photographic works for commercial and other uses.

21. Plaintiff VINCENT KHOURY TYLOR discovered that Defendants are using two (2) of his photographic works at issue in high resolution, one work on their Jetsetter commercial website, mobile version of their commercial website, and Twitter.com commercial web page (described in

paragraphs 11, 12, and 14), and the second work on their Pinterest.com commercial web page (described in paragraph 15), as follows:

Image “**K-08 Kee Beach**” is being used at least six (6) times at:

Page URLs:

<http://www.jetsetter.com/feature/best-beaches-coast-to-coast?nm=magazine>

<http://www.jetsetter.com/magazine?nm=navigation??>

<https://m.jetsetter.com/feature/best-beaches-coast-to-coast?nm=magazine>

<https://m.jetsetter.com/feature/best-beaches-coast-to-coast?nm=feature>

<https://twitter.com/jetsetterdotcom>

<https://twitter.com/Jetsetterdotcom/media>

Image URLs:

<http://cdnx.jetcdn.com/static/images/product/travelFeatures/fullimage-61497-1381866266.jpg> (1,011 x 413 pixels)

<http://cdnx.jetcdn.com/static/image/ZwL1XwR1AFkcoJSaMKZipUWiMUIwqP90pzS2MJkTMJS0qKWyp19zqJkfnJ1uM2HgAwR0BGpgZGZ4ZGt2AwV2Av5dpTp> (265 x 155 pixels)

<https://cdnx.jetcdn.com/static/dimg/rlWgMKEuMTS0LFV6rlWmnKcyVwc7VaqcMUEbVwb0ZwNfVzuynJqbqPV6AmHjsK0fVaOuqTtvBvWcoJSaMKZipUWiMUIwqP90pzS2MJkTMJS0qKWyp19zqJkfnJ1uM2HgAwR0BGpgZGZ4ZGt2AwV2Av5dpTpvYPW2MKWmnJ9hVwbvVa0> (419 x 750 pixels)

<https://pbs.twimg.com/media/BWzAuaLCIAAuH-t.jpg:large> (1,011 x 413 pixels)

Image “**A-24 Tropical Day**” is being used at least three (3) times at:

Page URLs:

<https://www.pinterest.com/jetsetterphoto/pins/>

<https://www.pinterest.com/jetsetterphoto/ga-ga-for-greece/>

<https://www.pinterest.com/pin/31947478578952098/>

Image URL:

<https://s-media-cache-ak0.pinimg.com/736x/0c/d3/98/0cd398ef0a7c8e9fe2c75d7b4a613f42.jpg> (160 x 540 pixels)

Defendants are using these photographic works for their commercial purposes without obtaining licenses or consent from Plaintiff VINCENT KHOURY TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 101 *et seq.* A true and correct copy of each of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with copies of screenshots of Defendants' infringing uses are attached hereto as Exhibit "C".

22. By letter of June 3, 2014, Plaintiff VINCENT KHOURY TYLOR gave notice to STM of the copyright infringements described in paragraph 21, and attempted to resolve the claims by requesting that STM pay monetary damages for those infringements and that it cease and desist.

23. By letter of June 20, 2014, Plaintiff VINCENT KHOURY TYLOR gave notice to TripAdvisor of the letter described in paragraph 22 and notice of the continuing, willful copyright infringements described in paragraph 21 in disregard for the cease and desist demand, and again attempted to resolve the claims by requesting monetary damages for those infringements.

24. Despite the notices of copyright infringement described in paragraphs 22 and 23 that were sent to Defendants, Defendants continue to use Plaintiff VINCENT KHOURY TYLOR's "**K-08 Kee Beach**" and "**A-24 Tropical Day**" on their Jetsetter commercial website, mobile version of their commercial

website, and commercial web page on Pinterest.com, described in paragraph 21, without obtaining a license or consent and with notice of his copyright, thus constituting willful copyright infringement.

25. Despite the notices of copyright infringement described in paragraphs 22 and 23, Defendants also subsequently re-used “**K-08 Kee Beach**,” in high resolution, a total of at least seven (7) additional times (posted on August 11, 2015 on their Jetsetter Twitter.com and Facebook.com commercial web pages; and posted again on January 11, 2016 on their Jetsetter Twitter.com commercial web page), as follows:

August 11, 2015 posts of “**K-08 Kee Beach**”:

Page URLs:

<https://twitter.com/jetsetterdotcom>

<https://twitter.com/Jetsetterdotcom/status/631193388121915392>

<https://twitter.com/Jetsetterdotcom/media>

<https://www.facebook.com/Jetsetter>

Image URLs:

<https://pbs.twimg.com/media/CMJzCsyUcAAAnBFS.jpg> (600 x 300 pixels)

<https://pbs.twimg.com/media/CMJzCsyUcAAAnBFS.jpg:large> (1024 x 512 pixels)

January 11, 2016 post of “**K-08 Kee Beach**”:

Page URLs:

<https://twitter.com/jetsetterdotcom>

<https://twitter.com/Jetsetterdotcom/media>

<https://twitter.com/Jetsetterdotcom/status/686706671578578944>

Image URLs:

<https://pbs.twimg.com/media/CYesE-sU0AE7Vgg.jpg> (600 x 300 pixels)

<https://pbs.twimg.com/media/CYesE-sU0AE7Vgg.jpg:large> (1024 x 512 pixels)

Defendants' additional uses of this photographic work for their commercial purposes without obtaining a license or consent from Plaintiff VINCENT KHOURY TYLOR and with notice of his copyright, constitute willful copyright infringement. Copies of Defendants' additional infringing uses of "**K-08 Kee Beach**" are attached hereto as Exhibit "D."

26. Plaintiff VINCENT KHOURY TYLOR further discovered that Defendants are using one (1) additional photographic work in high resolution on their Jetsetter commercial website (described in paragraph 11), as follows:

Image "**A-19 Snorkel Hawaii**" is being used at least two (2) times (viewable as an image "Recently Viewed" after visiting Page URL

<http://www.jetsetter.com/trips/3215/journese-hawaii>) at:

Page URLs:

<http://www.jetsetter.com/?nm=headerlogo> (Under "You Recently Viewed")

<http://www.jetsetter.com/hotels/kailua-kona/hawaii/5875/wyndham-kona-hawaiian-resort?nm=serplist&cl=4&checkin=&checkout=&numAdults=2&numRooms=1&ca=view-more> (Thumbnail labeled "Recently Viewed")

Image URLs:

<http://cdnx.jetcdn.com/static/dimg/rlWgMKEuMTS0LFV6rlWmnKcyVwc7VaqcMUEbVwb0ZGZfVzuynJqbqPV6ZwR4sK0fVaOuqTtvBvWcoJSaMKZipUWiMUIwqP9j pz9jMKW0nJImYmZIZGHip3WwYGV0AGp5YGRmBGx0AmR5ZmLhnaOaVvjvqzIlp2yiovV6VvW9> (413 x 212 pixels)

<http://cdnx.jetcdn.com/static/dimg/rlWgMKEuMTS0LFV6rlWmnKcyVwc7VaqcMUEbVwbkAmNfVzuynJqbqPV6BGO9sFjvpTS0nPV6VzygLJqypl9j pz9xqJA0Y3Olo3OypaEcMKZiZmVkAF9mpzZgZwD1AmxgZGZ5BGD3ZGxmAv5dpTpvYPW2MKWmnJ9hVwbvVa0> (170 x 89 pixels)

Defendants are using this photographic work for their commercial purposes without obtaining licenses or consent from Plaintiff VINCENT KHOURY TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 101 *et seq.* A true and correct copy of this photographic work registered by Plaintiff VINCENT KHOURY TYLOR along with copies of screenshots of Defendants' infringing uses are attached hereto as Exhibit "E".

27. Plaintiff VINCENT KHOURY TYLOR discovered that TripAdvisor is using four (4) of his photographic works at issue in high resolution, a total of at least thirteen (13) times, on its commercial website (described in paragraph 10), as follows:

Image "**O-06 Hanauma Bay Wide**" is being used at least three (3) times at:

Page URLs:

<http://www.tripadvisor.com/TravelersChoice-Beaches> (Used Twice)

<http://www.tripadvisor.com/VacationRentalsBlog/2015/03/09/say-aloha-to-hawaiis-7-award-winning-beaches/>

Image URLs:

<http://media-cdn.tripadvisor.com/media/photo-s/05/76/77/54/ka-anapali-beach.jpg>
(550 x 412 pixels)

http://static.tacdn.com/img2/tc/campaign_beaches.jpg (258 x 160 pixels)

<http://blog1.fking.com/wp-content/uploads/2015/03/Hawaii-best-beaches-610x350.jpg> (610 x 350 pixels)

And at least two (2) times, in a tripadvisor "TRIPWOW!" movie slideshow and as a cover image for the slideshow:

Page URLs:

<http://tripwow.tripadvisor.com/tripwow/ta-0341-a6dc-6058>
http://tripwow.tripadvisor.com/slideshow-photo/caral-reef-in-oahu-oahu-united-states.html?sid=54634204&fid=upload_13204108079-tpfil02aw-13212

Image URL:

http://images.travelpod.com/tripwow/photos2/ta-0341-a6dc-6058/caral-reef-in-oahu-oahu-united-states+1152_13204108079-tpfil02aw-13212.jpg
(576 x 432 pixels)

Image “**O-01 Waikiki-Pink boat ORIGINAL VERSION**” is being used at least two (2) times, in a tripadvisor “TRIPWOW!” movie slideshow and as a cover image for the slideshow:

Page URL:

<http://tripwow.tripadvisor.com/tripwow/ta-0341-a6dc-6058>
http://tripwow.tripadvisor.com/slideshow-photo/-beach-on-day-time-oahu-united-states.html?sid=54634204&fid=upload_13204107975-tpfil02aw-13222

Image URL:

http://images.travelpod.com/tripwow/photos2/ta-0341-a6dc-6058/-beach-on-day-time-oahu-united-states+1152_13204107975-tpfil02aw-13222.jpg
(576 x 432 pixels)

Image “**F-02-B Bird of Paradise**” is being used at least four (4) times, in a tripadvisor “TRIPWOW!” movie slideshow and as a cover image for the slideshow:

Page URLs:

<http://tripwow.tripadvisor.com/tripwow/ta-009a-abfc-6ea3> (Used Twice)
http://tripwow.tripadvisor.com/slideshow-photo/honolulu-united-states.html?sid=10136572&fid=upload_12805308847-tpfil02aw-28179
http://tripwow.tripadvisor.com/slideshow-photo/honolulu-united-states.html?sid=10136572&fid=upload_12805315045-tpfil02aw-32224

Image URLs:

http://images.travelpod.com/tw_slides/ta00/9aa/bfc/1152_12805308847-tpfil02aw-28179.jpg (576 x 384 pixels)
http://images.travelpod.com/tw_slides/ta00/9aa/bfc/1152_12805315045-tpfil02aw-32224.jpg (576 x 384 pixels)

Image “**O-05 Chinamans Hat**” is being used at least two (2) times, in a tripadvisor “TRIPWOW!” movie slideshow and as a cover image for the slideshow:

Page URLs:

<http://tripwow.tripadvisor.com/tripwow/ta-009a-abfc-6ea3>

http://tripwow.tripadvisor.com/slideshow-photo/chinaman-s-hat-honolulu-united-states.html?sid=10136572&fid=upload_12805310341-tpfil02aw-28955

Image URL:

http://images.travelpod.com/tripwow/photos/ta-009a-abfc-6ea3/chinaman-s-hat-honolulu-united-states+1152_12805310341-tpfil02aw-28955.jpg
(576 x 384 pixels)

TripAdvisor is using these photographic works for its commercial purposes without obtaining licenses or consent from Plaintiff VINCENT KHOURY TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 101 *et seq.* A true and correct copy of each of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with copies of screenshots of these infringing uses are attached hereto as Exhibit “F”.

28. Plaintiff VINCENT SCOTT TYLOR discovered that

TripAdvisor is using his one (1) photographic work at issue in high resolution, at least four (4) times, on its commercial website (described in paragraph 10), as follows:

Page URLs:

<http://www.tripadvisor.com/AttractionsNear-g60982-d954087->

[Rainbow_Scuba_Hawaii-Honolulu_Oahu_Hawaii.html](http://www.tripadvisor.com/Attraction_Review-g60982-d7153273-Reviews-Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html)
[http://www.tripadvisor.com/Attraction_Review-g60982-d7153273-Reviews-](http://www.tripadvisor.com/Attraction_Review-g60982-d7153273-Reviews-Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html)
[Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html](http://www.tripadvisor.com/Attraction_Review-g60982-d7153273-Reviews-Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html#photos)
[http://www.tripadvisor.com/LocationPhotoDirectLink-g60982-d7153273-](http://www.tripadvisor.com/LocationPhotoDirectLink-g60982-d7153273-i113670253-Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html)
[i113670253-Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html](http://www.tripadvisor.com/LocationPhotoDirectLink-g60982-d7153273-i113670253-Pure_Aloha_Adventures-Honolulu_Oahu_Hawaii.html)
Image URL:
[http://media-cdn.tripadvisor.com/media/photo-s/06/c6/78/6d/pure-aloha-](http://media-cdn.tripadvisor.com/media/photo-s/06/c6/78/6d/pure-aloha-adventures.jpg)
[adventures.jpg](http://media-cdn.tripadvisor.com/media/photo-s/06/c6/78/6d/pure-aloha-adventures.jpg) (550 x 412 pixels)

TripAdvisor is using this photographic work for its commercial purposes without obtaining licenses or consent from Plaintiff VINCENT SCOTT TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 101 *et seq.* A true and correct copy of this photographic work registered by Plaintiff VINCENT SCOTT TYLOR along with copies of screenshots of these infringing uses are attached hereto as Exhibit “G”.

29. Plaintiff VINCENT KHOURY TYLOR’s photographic works at issue, where they are legitimately available, bear his copyright management information in the form of a “Vincent K. Tylor” signature at the bottom corner of each photographic work.

30. Upon information and belief, Defendants intentionally removed or altered Plaintiff VINCENT KHOURY TYLOR’s copyright management information from five (5) of his photographic works at issue for Defendants’ respective uses of those photographic works without his authority or the authority

of the law. True and correct copies of Plaintiff VINCENT KHOURY TYLOR's photographic works containing his copyright management information along with copies of screenshots of Defendants' respective infringing uses with the copyright management information cropped are shown in Exhibits "C" through "F".

31. Defendants continue to distribute copies of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue, knowing that his copyright management information had been removed or altered without his authority or the law, and in disregard of Plaintiff VINCENT KHOURY TYLOR's notice of copyright, licensing source website where those works are available with his copyright management information, and his cease and desist demand.

32. TripAdvisor is providing and/or distributing its own false copyright management information on its uses of Plaintiff VINCENT KHOURY TYLOR's **"O-06 Hanauma Bay Wide"**; **"O-01 Waikiki-Pink boat ORIGINAL VERSION"**; **"F-02-B Bird of Paradise"**; and, **"O-05 Chinamans Hat"** (the uses described in paragraph 27), without his authority or the authority of the law, knowing that TripAdvisor does not own those photographic works. A true and correct copy of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with copies of a screenshots of TripAdvisor's infringing uses with its own false copyright management information provided and/or distributed with its infringing uses are shown in Exhibit "F."

33. TripAdvisor is providing and/or distributing its own false copyright management information on its use of Plaintiff VINCENT SCOTT TYLOR's "**Hanauma Bay Lookout Original**" (the uses described in paragraph 28), without his authority or the authority of the law, knowing that it does not own that photographic work. When a user right-clicks on TripAdvisor's use of that work, a window appears with an embed code to copy and paste "onto your site" along with terms and conditions governing the use of the work, including the statements: "TripAdvisor images may only be used with attribution back to TripAdvisor" and "Using the TripAdvisor embed code renders the image with an attribution line that satisfies this requirement." The user is also informed that by using the embed code, "the image will be hosted on the same worldwide content delivery network TripAdvisor uses instead of your web server." TripAdvisor's terms and conditions for the use of that work and attribution to TripAdvisor as the author or copyright owner of that work constitute false copyright management information. A true and correct copy of that photographic work registered by Plaintiff VINCENT SCOTT TYLOR along with a copy of a screenshot of TripAdvisor's infringing use with TripAdvisor's own false copyright management information provided and/or distributed with that infringing use is shown in Exhibit "G."

34. TripAdvisor's use of two (2) of Plaintiff VINCENT KHOURY TYLOR's photographic works, "**F-02-B Bird of Paradise**" and "**O-05 Chinamans Hat**", still contained his copyright management information (as shown in Exhibit F, attached hereto), demonstrating a disregard for Plaintiff VINCENT KHOURY TYLOR's notice of copyright and that TripAdvisor acted willfully with respect to its copyright infringements, knowing that its uses of those photographic works would constitute copyright infringement.

35. Defendants' use of one (1) of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue on their Facebook.com commercial web page, described in paragraph 13, has, upon information and belief, contributed to widespread distribution of that photographic work, absent any copyright management information attributable to Plaintiff VINCENT KHOURY TYLOR. Users who view Defendants' Facebook.com commercial web page can easily distribute the posting of that photographic work, without Plaintiff VINCENT KHOURY TYLOR's copyright information, among other Facebook.com users or promote the Jetsetter business and their commercial website, described as "JETSETTER.COM" in the post, by clicking on the "Like" button or "Share" button associated with that photographic work as it appeared on Defendants' Facebook.com commercial web page. Each "Like" or "Share" action by a user causes that photographic work to be distributed to other users and promotes

Defendants' Facebook.com commercial web page, commercial website, and/or Jetsetter. Furthermore, Defendants' Facebook.com commercial web page and the posts within that page were automatically promoted to other users who clicked the "Like" button associated with that page, effectively advertising Jetsetter as well as the posted photographic work at issue, absent Plaintiff VINCENT KHOURY TYLOR's copyright management information. Defendants' Facebook.com commercial web page has received more than 260,000 "likes" by users to date.

36. Defendants' uses of one (1) of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue on their Twitter.com commercial web page, described in paragraph 14, have, upon information and belief, contributed to widespread distribution of those infringing uses, absent any copyright management information attributable to Plaintiff VINCENT KHOURY TYLOR. Users can view Defendants' "tweets", "follow" Defendants' Twitter.com commercial web page to be notified of the "tweets", or "re- tweet" Defendants' infringing uses of that photographic work to other users, all of which are actions that automatically promote Defendants' Twitter.com commercial web page, the Jetsetter business, and/or the infringing uses among other users. Furthermore, Defendants' Twitter.com commercial web page and the posts within that page were automatically promoted to other users who clicked the "Follow" button associated with that page to become "Followers" of that page, effectively advertising the

Jetsetter business as well as the postings of the photographic work at issue, absent Plaintiff VINCENT KHOURY TYLOR's copyright management information, to their "Followers". Defendants' Twitter.com commercial web page has more than 44,000 "Followers" to date.

37. Defendants' uses of one (1) of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue on their Pinterest.com commercial web page, described in paragraph 15, have, upon information and belief, contributed to widespread distribution of those infringing uses. Copies of Defendants' uses at issue, when posted, were automatically distributed to their "followers" for viewing and further distribution by those followers. Furthermore, any user can easily distribute that infringement among other users by clicking on the "Pin it" button or "Like" button associated with those uses as they appear on Defendants' Pinterest.com commercial web page, or users can distribute that infringement among the millions of users of social media website Facebook.com by clicking on the "share" button associated with those uses. Each "Pin it" or "Like" or "share" click by a user caused that infringement to be distributed to other users and/or promoted Defendants' Pinterest.com commercial web page or the Jetsetter business as the origin of that photographic work. Defendants' Pinterest.com commercial web page has more than 4 million "followers" to date.

38. TripAdvisor's use of four (4) of Plaintiff VINCENT KHOURY

TYLOR's photographic works at issue in its "TRIPWOW!" movie slideshows, described in paragraph 27 and shown in Exhibit "F" attached hereto, have, upon information and belief, contributed to widespread distribution of those infringing uses. Users who view one of those movie slideshows on TripAdvisor's commercial website are encouraged to "Share this slideshow" by clicking on buttons associated with the slideshow to "Embed on your site", "SHARE THIS" on Facebook.com, or "TWEET THIS" on Twitter.com, causing copies of those movie slideshows and the infringements within those slideshows to be distributed to the millions of users of those social media websites. At the end of the slideshows, users are further encouraged to distribute copies of the slideshows all over the internet with the phrases "SHARE THIS ON LOTS OF SITES"; "SEND TO A FRIEND"; and, "EMBED THIS ON YOUR SITE OR BLOG" alongside corresponding buttons for the user to perform the action, encouraging users who view the slideshows to further distribute copies. The movie slideshows, and the infringing uses of the photographic works at issue within those slideshows, serve to advertise TripAdvisor with the phrase "Brought to you by tripadvisor" appearing at the beginning of the slideshow and the "tripadvisor TRIPWOW!" watermark appearing throughout the slideshow.

39. Plaintiffs and Defendants were unable to resolve this matter, and Defendants' continuing, willful infringements necessitate legal action.

**FIRST CAUSE OF ACTION:
COPYRIGHT INFRINGEMENTS**

40. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-39 as if fully stated herein.

41. Plaintiffs have all rights, title, and interest in the copyrights to their respective photographic works at issue as holders of the copyrights, the use of which has not been licensed to Defendants.

42. Defendants misappropriated Plaintiffs' copyrighted photographic works with knowledge that the photographic works at issue did not belong to Defendants; Defendants thereby willfully engaged in, and continue to willfully engage in, unauthorized use, copying, distribution, and/or display of Plaintiffs' copyrighted photographic works by using seven (7) of Plaintiff VINCENT KHOURY TYLOR's photographic works a total of at least thirty-one (31) separate times and by using Plaintiff VINCENT SCOTT TYLOR's photographic work at issue at least four (4) separate times as described herein. Defendants' acts constitute willful copyright infringement under the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.*, for which Defendants are directly, contributorily, and/or vicariously liable, jointly, severally, or in the alternative.

43. Defendants have shown that they intend to continue, unless restrained, to use Plaintiffs' copyrighted photographic works, willfully infringing,

and causing irreparable damage to Plaintiffs for which they have no adequate remedy of law.

44. Plaintiffs are entitled to a preliminary and permanent injunction restraining Defendants from engaging in further acts of copyright infringement.

45. Defendants' unlawful use of copies of Plaintiffs' original photographic works have diminished the value of the original photographic works by distributing and encouraging redistribution of the photographic works without identifying the photographic works as being the exclusive property of Plaintiffs.

46. Defendants' unlawful acts have been and are interfering with and undermining Plaintiffs' ability to market Plaintiffs' own original photographic works, thereby impairing the value and prejudicing the sale or license by Plaintiffs of their own photographic works.

47. Because Defendants used Plaintiffs' copyrighted photographic works without license, infringing the exclusive rights of Plaintiffs as the copyright owners, Plaintiffs are entitled to have the infringing publications and any improperly acquired likenesses or images (however stored or recorded) impounded while this action is pending.

48. As a direct and proximate result of Defendants' wrongful acts, Plaintiffs have suffered and continue to suffer lost profits and damages.

49. Plaintiffs are entitled to recover from Defendants the damages they have sustained as a result of these wrongful acts. Plaintiffs are presently unable to ascertain the full extent of the monetary damages they have suffered by reason of Defendants' acts of copyright infringement.

50. Plaintiffs are further entitled to recover from Defendants any gains, profits, or advantages Defendants obtained as a result of their wrongful acts. Plaintiffs are presently unable to ascertain the full extent of the gains, profits, and advantages Defendants have realized by their acts of copyright infringement.

51. Plaintiffs are entitled to elect to recover from Defendants statutory damages for each of their violations of Plaintiffs' copyrights.

52. Plaintiffs are further entitled to costs and reasonable attorneys' fees.

**SECOND CAUSE OF ACTION:
DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS**

53. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-52 as if fully stated herein.

54. Defendants intentionally removed or altered copyright management information from association with Plaintiff VINCENT KHOURY TYLOR's photographic works for their said uses, or distributed those photographic works at issue knowing that Plaintiff VINCENT KHOURY TYLOR's copyright

management information had been removed or altered, without the authority of Plaintiff VINCENT KHOURY TYLOR or the law, knowing, or having reasonable grounds to know, that the removal or alteration, or distribution, would induce, enable, facilitate, or conceal infringement of copyright. Defendants' acts constitute violations under the Digital Millennium Copyright Act, 17 U.S.C. § 1202(b), for which Defendants are liable jointly, severally, or in the alternative.

55. TripAdvisor provided and distributed its own false copyright management information with its uses of four (4) of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue and with its uses of Plaintiff VINCENT SCOTT TYLOR's photographic work at issue, without the authority of Plaintiffs or the law, knowingly and with the intent to induce, enable, facilitate, or conceal infringement of copyright. TripAdvisor's acts constitute violations under the Digital Millennium Copyright Act, 17 U.S.C. § 1202(a).

56. Plaintiffs are entitled to recover from Defendants the actual damages suffered by them and any profits Defendants have obtained as a result of their wrongful acts that are not taken into account in computing the actual damages. Plaintiffs are currently unable to ascertain the full extent of the profits Defendants have realized by their violations of 17 U.S.C. § 1202.

57. Plaintiffs are entitled to elect to recover from Defendants statutory damages for each of their violations of 17 U.S.C. § 1202.

58. Plaintiffs are further entitled to costs and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff VINCENT KHOURY TYLOR and Plaintiff VINCENT SCOTT TYLOR pray:

A. That this Court enter an injunction preliminarily and permanently enjoining and restraining Defendants and their directors, officers, managers, members, agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants from infringing Plaintiffs' copyrighted photographic works and from further violating 17 U.S.C. § 1202;

B. That the Court order any original infringing photographs, prints, separations, publications, copies, products, or materials bearing the images, digital data in any form and/or likenesses impounded and/or destroyed or disposed of in other reasonable fashion;

C. That Defendants be required to pay such damages as Plaintiffs have sustained and any profits Defendants have gained in consequence of Defendants' respective unlawful acts or, in the alternative, to pay statutory damages, pursuant to 17 U.S.C. § 504 and 17 U.S.C. § 1203(c);

D. That Defendants be required to pay costs, including reasonable attorneys' fees, to Plaintiffs pursuant to 17 U.S.C. § 505 and 17 U.S.C. § 1203(b); and,

E. That Plaintiffs be granted such other and further relief as the Court may deem just and proper.

DATED: Honolulu, Hawaii, April 15, 2016.

/s/ J. Stephen Street

J. STEPHEN STREET

DANE ANDERSON

Attorneys for Plaintiffs

VINCENT KHOURY TYLOR

and VINCENT SCOTT TYLOR