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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA

8 SONY MUSIC ENTERTAINMENT;
9 SONY MUSIC ENTERTAINMENT US
LATIN LLC; ZOMBA RECORDING
10 LLC; ARISTA MUSIC; LA FACE
RECORDS LLC; RECORDS LABEL,
11 LLC; and THE CENTURY MEDIA
FAMILY, INC.,

12 Plaintiffs,

13 vs.

14 GYMSHARK LIMITED and DOES 1-10,

15 Defendants.
16

Case No.

COMPLAINT FOR:

1. **DIRECT COPYRIGHT INFRINGEMENT;**
2. **CONTRIBUTORY COPYRIGHT INFRINGEMENT;**
3. **VICARIOUS COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiffs Sony Music Entertainment; Sony Music Entertainment US Latin
2 LLC; Zomba Recording LLC; Arista Music; La Face Records LLC; Records Label,
3 LLC; and The Century Media Family, Inc. (collectively, “Plaintiffs” or “Sony
4 Music”), by and through their attorneys, allege as follows:

5 **INTRODUCTION**

6 1. Plaintiff Sony Music Entertainment is one of the world’s largest music
7 entertainment companies. Both directly and through its affiliated companies and
8 record labels, including the other Plaintiffs, Sony Music Entertainment produces,
9 manufactures, distributes, markets, sells and licenses some of the most iconic and
10 popular sound recordings of all time, as well as many of today’s biggest hits

11 2. Defendant Gymshark Limited (“Gymshark”) is a fitness apparel and
12 accessories manufacturer and online retailer. Gymshark has achieved its success by
13 infringing sound recordings and musical compositions belonging to a number of
14 different content owners, including Plaintiffs’ copyrighted sound recordings, on a
15 massive scale.

16 3. Gymshark has largely eschewed traditional advertising, relying instead
17 upon promotion of Gymshark’s products through social media sites such as Instagram,
18 TikTok, and Facebook. Gymshark’s primary use of these platforms is to post videos
19 showing use of Gymshark’s products. These videos feature popular sound recordings
20 as an integral part of the presentation; indeed, there is typically no speaking or sound
21 *other than* the music integrated into the video.

22 4. While these social media “commercials” have been instrumental to
23 Gymshark’s success, Gymshark has not paid for the privilege to use the sound
24 recordings that are featured in them. As to Plaintiffs alone, Gymshark has
25 misappropriated *hundreds* of the most popular and valuable sound recordings in the
26 market, using those creative works to drive massive sales to Gymshark without any
27 compensation to Plaintiffs. These works include sound recordings featuring such
28 chart-topping and award-winning artists as Beyoncé, Britney Spears, The

1 Chainsmokers, Justin Timberlake, A\$AP Rocky, Travis Scott, Harry Styles, Usher,
2 Noah Cyrus, and Calvin Harris.

3 5. Gymshark created many of these videos itself. As to others, Gymshark
4 partnered with “influencers”—private individuals who created the videos and posted
5 them on their own pages, while at the same time providing them to Gymshark to repost
6 on Gymshark’s social media pages. On information and belief, Gymshark
7 compensates these influencers with free product and/or a monetary payment,
8 sometimes tied to Gymshark’s sales of the product(s) featured in the influencer’s
9 videos.

10 6. Plaintiffs’ investment in recorded music is protected by copyright law,
11 which grants the copyright owner the exclusive right to, among other things,
12 reproduce, distribute, and create derivative works of copyrighted works, and to
13 publicly perform sound recordings by means of a digital audio transmission. An
14 important portion of Plaintiffs’ return on their investment in recorded music, which
15 they share with their exclusive recording artists, comes from licensing recordings and
16 music videos to others who use Plaintiffs’ works in videos, television shows,
17 commercials, and on social media, just as Gymshark has done. Indeed, Gymshark’s
18 use of Plaintiffs’ sound recordings is precisely the type of commercial use upon which
19 Plaintiffs have built their robust licensing business.

20 7. Gymshark’s conduct, in which it takes and exploits Plaintiffs’ valuable
21 intellectual property without any compensation to Plaintiffs or their artists, has caused
22 Plaintiffs substantial and irreparable harm. Plaintiffs bring this action to obtain redress
23 for Gymshark’s infringement of Plaintiffs’ valuable rights and to prevent further
24 violations of those rights.

25 **JURISDICTION AND VENUE**

26 8. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331
27 and 1338(a), insofar as this action arises under the Copyright Act of 1976, 17 U.S.C.
28 §§ 101 *et seq.*

1 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 28
2 U.S.C. § 1400(a).

3 10. The Court has personal jurisdiction over Gymshark, including pursuant
4 to Federal Rule of Civil Procedure 4(k)(2), for at least the following reasons: (1)
5 Plaintiffs' claims arise under federal copyright law; (2) Gymshark actively uses U.S.-
6 based social media platforms in connection with its massive infringement of Plaintiffs'
7 copyrights, and streams infringing videos through these social media platforms to
8 consumers in the United States; (3) Gymshark accomplishes its infringement, in part,
9 by partnering with and compensating influencers located in the United States,
10 including, on information and belief, in this District, for purposes of creation,
11 reproduction, distribution, and performance of the infringing videos; (4) Gymshark
12 targets and attracts a substantial number of customers in the United States, and its
13 infringement is an essential means of reaching, soliciting, and selling to these
14 customers; (5) Gymshark maintains substantial business operations in the United
15 States, on information and belief employing over one hundred people in the United
16 States, including at its offices in Denver, Colorado, as well as within this District (in
17 which, on information and belief, Gymshark maintains and operates its U.S.-based
18 distribution center); and (6) Gymshark has operated "pop-up" stores throughout the
19 United States, including in this District, featuring many of the "influencers" who
20 appear in Gymshark's infringing videos.

21 **THE PARTIES**

22 11. Plaintiff Sony Music Entertainment ("SME") is a Delaware general
23 partnership, the partners of which are citizens of New York and Delaware. SME's
24 headquarters and principal place of business are located at 25 Madison Avenue, New
25 York, New York, and it has substantial business operations in this District.

26 12. Plaintiff Sony Music Entertainment US Latin LLC ("Sony Latin") is a
27 Delaware limited liability company with its principal place of business at 3390 Mary
28 St., Suite 220, Coconut Grove, Florida.

1 13. Plaintiff Zomba Recording LLC (“Zomba”) is a Delaware limited
2 liability company with its principal place of business at 25 Madison Avenue, New
3 York, New York.

4 14. Plaintiff Arista Music (“Arista Music”) is a New York partnership with
5 its principal place of business at 25 Madison Avenue, New York, New York.

6 15. Plaintiff LaFace Records LLC (“LaFace”) is a Delaware limited liability
7 company with its principal place of business at 25 Madison Avenue, New York, New
8 York.

9 16. Plaintiff Records Label, LLC (“Records Label”) is a Delaware limited
10 liability company with its principal place of business at 25 Madison Avenue, New
11 York, New York.

12 17. Plaintiff The Century Media Family, Inc. (“Century Media”) is a
13 California corporation with its principal place of business at 25 Madison Avenue, New
14 York, New York.

15 18. On information and belief, Defendant Gymshark is a United Kingdom
16 corporation with its headquarters in Solihull, England, and substantial operations in
17 the United States.

18 19. On information and belief, Defendants Does 1 through 10 own, operate,
19 or are employees of Gymshark, and/or are otherwise responsible for and proximately
20 caused and are causing the harm and damages alleged in this Complaint. Plaintiffs are
21 presently unaware of the true names and/or the involvement of the defendants sued
22 herein by the fictitious designations Does 1 through 10, and for that reason sue them
23 by those designations. Plaintiffs will seek leave to amend this pleading to identify
24 those defendants when their true names and involvement in the infringements and
25 other wrongful conduct hereinafter described are known.

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