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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

Josiah Kamau,

Plaintiff,

v.

Justin Drew Bieber,

Defendant.

Case No:

**COMPLAINT**

DEMAND FOR JURY TRIAL

Plaintiff Josiah Kamau (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against Defendant Justin Drew Bieber (“*Defendant*”) states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement.
2. Plaintiff herein creates photographic images and owns the rights to these images which Plaintiff licenses for various uses including online and print



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1 publications.

2 3. Defendant owns and operates a social media account on Instagram  
3 named as @justinbieber (the “Account”).  
4

5 4. Defendant, without permission or authorization from Plaintiff  
6 actively copied, stored, and/or displayed Plaintiff’s Photograph on the Account  
7 and engaged in this misconduct knowingly and in violation of the United States  
8 copyright laws.  
9

10 **PARTIES**

11 5. Plaintiff Josiah Kamau is an individual who is a citizen of the State  
12 of New York and maintains a principal place of business at 603 55<sup>th</sup> Street, West  
13 New York, in Hudson County, New Jersey.  
14

15 6. Upon information and belief, defendant Justin Drew Bieber, is an  
16 individual who is a citizen of the State of California with a principal place of  
17 business at 8 Beverly Park, Beverly Hills in Los Angeles County, California and  
18 is liable and responsible to Plaintiff based on the facts herein alleged.  
19  
20

21 **JURISDICTION AND VENUE**

22 7. This Court has subject matter jurisdiction over the federal copyright  
23 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.  
24

25 8. This Court has personal jurisdiction over Justin Drew Bieber because  
26 he maintains is domiciled in California.  
27  
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1 as Exhibit 1.

2 17. Plaintiff applied to the USCO to register the Photograph on or about  
3  
4 March 22, 2020 under Application No. 1-8665917589.

5 18. The Photograph was registered by the USCO on March 22, 2020  
6  
7 under Registration No. VA 2-200-398.

8 19. On February 10, 2020 Plaintiff first observed the Photograph on the  
9  
10 Account in a post dated February 8, 2020. A copy of the screengrab of the Account  
11 including the Photograph is attached hereto as Exhibit 2.

12 20. The Photograph was displayed at URL:  
13 <https://www.instagram.com/p/B8UYmydHXSj/>.

14 21. Without permission or authorization from Plaintiff, Defendant  
15  
16 volitionally selected, copied, stored and/or displayed Plaintiff copyright protected  
17 Photograph as is set forth in Exhibit “1” on the Account.

18 22. Upon information and belief, the Photograph was copied, stored and  
19  
20 displayed without license or permission, thereby infringing on Plaintiff's  
21 copyrights (hereinafter the “*Infringement*”).

22 23. The Infringement includes a URL (“*Uniform Resource Locator*”) for  
23  
24 a fixed tangible medium of expression that was sufficiently permanent or stable  
25 to permit it to be communicated for a period of more than transitory duration and  
26 therefore constitutes a specific infringement. *17 U.S.C. §106(5); Perfect 10, Inc.*  
27  
28

1 *v. Amazon.com, Inc.*, 508 F.3d 1146, 1160 (9th Cir. 2007).

2 24. The Infringement is a color distorted copy of Plaintiff's original  
3 image that was directly copied and stored by Defendant on the Account.  
4

5 25. Upon information and belief, Defendant takes an active and  
6 pervasive role in the content posted on his Account, including, but not limited to  
7 copying, posting, selecting, commenting on and/or displaying images including  
8 but not limited to Plaintiff's Photograph.  
9

10 26. Upon information and belief, the Photograph was willfully and  
11 volitionally posted to the Account by Defendant.  
12

13 27. Upon information and belief, the Infringement were not posted at the  
14 direction of a "user" as that term is defined in 17 U.S.C. §512(c).  
15

16 28. Upon information and belief, Defendant engaged in the Infringement  
17 knowingly and in violation of applicable United States Copyright Laws.  
18

19 29. Upon information and belief, Defendant has the legal right and  
20 ability to control and limit the infringing activities on his Account and exercised  
21 and/or had the right and ability to exercise such right.  
22

23 30. Upon information and belief, Defendant monitors the content on his  
24 Account.  
25

26 31. Upon information and belief, Defendant has received a financial  
27 benefit directly attributable to the Infringement.  
28



1 exclusive rights in his copyrights.

2 40. Defendant's reproduction of the Photograph and display of the  
3 Photograph constitutes willful copyright infringement. *Feist Publications, Inc. v.*  
4 *Rural Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).

5  
6 41. Plaintiff is informed and believes and thereon alleges that the  
7 Defendant willfully infringed upon Plaintiff's copyrighted Photograph in violation  
8 of Title 17 of the U.S. Code, in that they used, published, communicated, posted,  
9 publicized, and otherwise held out to the public for commercial benefit, the  
10 original and unique Photograph of the Plaintiff without Plaintiff's consent or  
11 authority, by using it in the infringing article on the Account.

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14 42. As a result of Defendant's violations of Title 17 of the U.S. Code,  
15 Plaintiff is entitled to an award of actual damages and disgorgement of all of  
16 Defendant's profits attributable to the infringement as provided by 17 U.S.C. §  
17 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an  
18 award for statutory damages against Defendant for the infringement pursuant to  
19 17 U.S.C. § 504(c).

20  
21  
22 43. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
23 the court in its discretion may allow the recovery of full costs as well as reasonable  
24 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

25  
26 44. As a result of Defendant's violations of Title 17 of the U.S. Code,  
27  
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1 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of his  
2 copyright pursuant to 17 U.S.C. § 502.  
3

4 **JURY DEMAND**

5 45. Plaintiff hereby demands a trial of this action by jury.  
6

7 **PRAYER FOR RELIEF**

8 **WHEREFORE** Plaintiff respectfully requests judgment as follows:

9 That the Court enters a judgment finding that Defendant has infringed upon  
10 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 et seq. and  
11 award damages and monetary relief as follows:  
12

- 13 a. finding that Defendant infringed upon Plaintiff's copyright  
14 interest in the Photograph by copying and displaying without  
15 a license or consent;  
16
- 17 b. for an award of actual damages and disgorgement of all of  
18 Defendant's profits attributable to the infringement as  
19 provided by 17 U.S.C. § 504 in an amount to be proven or, in  
20 the alternative, at Plaintiff's election, an award for statutory  
21 damages against each Defendant for each infringement  
22 pursuant to 17 U.S.C. § 504(c), whichever is larger;  
23
- 24 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining  
25 Defendant from any infringing use of any of Plaintiff's works;  
26  
27  
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- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- e. for pre judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

DATED: March 28, 2022

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