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6 Attorneys for Plaintiffs ZUFFA, LLC and
 ULTIMATE FIGHTING
 7 PRODUCTIONS, LLC

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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ZUFFA, LLC, a Nevada limited liability company, d/b/a ULTIMATE FIGHTING CHAMPIONSHIP, and ULTIMATE FIGHTING PRODUCTIONS, LLC, a Nevada limited liability company,

Plaintiffs,

vs.

2107697 ALBERTA LTD., a Canadian corporation, d/b/a SCORE G PRODUCTIONS; ADAM SCORGIE, a Canadian individual; ELECTRIC PANDA ENTERTAINMENT INC., a Canadian corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No. 2:22-cv-5864

COMPLAINT FOR COPYRIGHT INFRINGEMENT AND VIOLATION OF THE DIGITAL MILLENIUM COPYRIGHT ACT

DEMAND FOR JURY TRIAL

Trial Date: None Set

JURISDICTION AND VENUE

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2 1. This is a copyright infringement case by Zuffa, LLC, d/b/a Ultimate
3 Fighting Championship (“UFC”) and Ultimate Fighting Productions, LLC against
4 2107697 Alberta Ltd., d/b/a Score G Productions (hereafter, “Score G”); its
5 principal, Adam Scorgie; and Electric Panda Entertainment Inc. Score G is
6 Scorgie’s production company, which, along with Electric Panda, produced a
7 documentary entitled *Bisping: The Michael Bisping Story*, about former UFC fighter
8 Michael Bisping.

9 2. This court has original and exclusive jurisdiction pursuant to 28 U.S.C.
10 § 1338(a).

11 3. Venue is proper in this judicial district pursuant to 28 U.S.C.
12 § 1391(c)(3), because the defendants are not residents of the United States.

FACTUAL ALLEGATIONS

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14 4. UFC is a Nevada Limited Liability Company with its principal place of
15 business in Las Vegas. It is the world’s premier mixed martial arts organization
16 (MMA), with more than 675 million fans and 185 million social media followers
17 across the globe. The organization produces more than 40 live events annually that
18 consistently sell out some of the most prestigious arenas around the globe, and its
19 programming is broadcast in over 175 countries and territories, via more than 60
20 global broadcast partners, to more than 1.1 billion TV households worldwide in over
21 40 different languages.

22 5. UFC is engaged in the business of distributing its copyrighted
23 materials, as defined in 17 U.S.C. § 101, for, among other things, purchase over the
24 internet or via cable or satellite TV on a Pay-Per-View basis. In December 2013,
25 UFC launched UFC FIGHT PASS®, a digital subscription service, which delivers
26 exclusive live events, thousands of fights on-demand and original content to fans
27 around the world.

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1 6. UFC invests substantial money, time and effort in advertising,
2 promoting, selling, and licensing its programming, including the broadcasts at issue
3 in this case (the “Broadcasts”), all of which are registered. (Attached hereto as
4 **Exhibit A** is a chart listing the respective copyright registration numbers of the
5 Broadcasts.) As the copyright owner¹ of the Broadcasts, UFC possesses the
6 exclusive right to, inter alia, exhibit, distribute, disseminate and perform the
7 Broadcasts publicly.

8 7. Given that UFC’s business depends in large part on its intellectual
9 property and, more specifically, the copyrights it holds, it is not surprising that UFC
10 licenses fight clips—including, of particular relevance here, “fight finishes,” i.e., the
11 final few seconds before the knockout, technical knockout, submission, etc. And,
12 indeed, many customers, including other filmmakers, have licensed UFC’s clips
13 through this channel.

14 8. But not Score G. Unable to make a compelling presentation about
15 Michael Bisping on its own, Score G decided to exploit UFC’s intellectual property
16 without permission or obtaining a license for its use. After all, a documentary about
17 a fighter with only talking head interviews would be dull. But a documentary with
18 20 minutes of fights, including some of UFC’s most memorable ones—*that* is
19 entertaining. The problem was that in order to use these valuable assets, licenses had
20 to be obtained.

21 9. The extent of Score G’s use of UFC’s intellectual property in *Bisping* is
22 astounding. In total, the documentary used portions of 24 different copyrighted
23 works owned by UFC—including at least two fights that did not even feature the
24 subject of the documentary. These copyrighted works are interspersed across over
25
26

27 ¹ As set forth in Exhibit A, one of the copyrights at issue is registered to
28 Ultimate Fighting Productions, LLC, an affiliate of Zuffa.

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1 160 clips or scenes totaling almost nineteen (19) minutes of the film’s 109-minute
2 runtime.

3 10. These works include, but are not limited to, substantial portions of
4 some of UFC’s most famous fights, such as the 13-*second* bout between Jose Aldo
5 and Conor McGregor at UFC 194; the main event at UFC 100 between Brock
6 Lesnar and Frank Mir II; and one of the most famous knockouts in MMA history, by
7 Dan Henderson over Bisping at UFC 100.

8 11. Ironically, UFC only got wind of the documentary because Bisping
9 himself (a sometime commentator for UFC fights and an executive producer of the
10 film) reached out to a producer contact at UFC. The UFC producer, in turn,
11 encouraged Bisping to have Score G contact UFC to discuss licensing. It never did.
12 Not only that; Score G never even approached UFC to let UFC know what it was
13 doing.

14 12. Evidently, Score G believes that it did not need to license the
15 Broadcasts from UFC because the film is a documentary. But if *Bisping* is fair use,
16 then any network, studio or producer could make a documentary about UFC, and
17 devote most of the documentary to simply rebroadcasting UFC fights, interviews,
18 and the like—all without permission from UFC. Moreover, Score G’s fair use
19 argument is completely inconsistent with the practice of documentary filmmakers in
20 general. As noted above, UFC is routinely contacted by documentary filmmakers
21 seeking to obtain licenses for UFC intellectual property, including those making
22 documentaries about *other* UFC fighters. And when UFC makes its own content, it
23 also routinely seeks and obtains licenses before using copyrighted works; it does not
24 just sample background music and call it “fair use.”

25 13. Although Score G is based in Canada, the bulk of its distribution and
26 production occurs in California, and it is aware of the copyright laws of the United
27 States. Similarly, while Electric Panda is based in Canada, the bulk of its
28 distribution and production occurs in the United States.

1 14. In other words, both Score G and Electric Panda know—and knew—
2 that permission from the copyright owner must be obtained before using copyright
3 works, particularly in connection with commercial projects like the one at issue
4 here. Score G did not do that. Rather, it engaged in flagrant and willful infringement
5 of UFC’s copyrights. Through this suit, UFC seeks all appropriate redress for Score
6 G and Electric Panda’s copyright infringement.

7 **PARTIES**

8 15. Plaintiff Zuffa, LLC, d/b/a Ultimate Fighting Championship, is a
9 Nevada limited liability corporation with its principal place of business in Las
10 Vegas.

11 16. Plaintiff Ultimate Fighting Productions, LLC, is a Nevada limited
12 liability corporation with its principal place of business in Las Vegas.

13 17. On information and belief, Defendant 2107697 Alberta Ltd., d/b/a
14 Score G Productions is a numbered Alberta corporation with its principal place of
15 business in Edmonton, Alberta.

16 18. On information and belief, Defendant Adam Scorgie is a Canadian
17 documentary film producer based in Edmonton, Alberta.

18 19. On information and belief, Defendant Electric Panda Entertainment,
19 Inc. is a Canadian federal corporation with its principal place of business in Toronto,
20 Ontario. It bills itself as an “international content creator and financier” that “creates
21 and delivers transformational content through the development, production and
22 financing of socially relevant intellectual properties for film and television.”

23 20. Defendants DOES 1 through 10, inclusive, are individuals and entities
24 who were involved in, or were responsible in some manner for, some or all of the
25 acts of infringement alleged herein, and they are liable to UFC for those
26 infringements. UFC will amend this complaint to state the true names and capacities
27 of DOES 1 through 10 when their names and capacities, along with facts respecting
28 their responsibility for the infringements, have been ascertained.

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FURTHER ALLEGATIONS

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21. Score G and Electric Panda released *Bisping* internationally in March of this year.

22. Score G and Electric Panda have made *Bisping* available on the internet such that viewers can view the film on demand on personal computers, tablets, mobile devices, and internet enabled televisions. On information and belief, in the United States, the film is available digitally for rent or purchase on Amazon, DirecTV, iTunes, Microsoft, Google Play, Redbox, Spectrum, Vudu/Fandango, and YouTube.

23. On information and belief, the film is also available digitally for rent or purchase in Australia, Canada, the United Kingdom, Germany, Spain, France, Italy, the Netherlands, Norway, and Sweden.

24. On information and belief, the film is also available for purchase in physical media: namely, on DVD and Blu-Ray. And, on information and belief, Score G plans to license *Bisping* to other television and streaming providers, both domestically and internationally.

25. As relevant to the production and distribution of *Bisping*, to the extent Electric Panda financed but did not produce the film, it is liable for Score G’s copyright infringement alleged herein pursuant to the doctrine of vicarious infringement. On information and belief, Electric Panda had the right and ability to control the production and distribution of *Bisping*. On information and belief, Electric Panda received a financial benefit from the production and distribution of *Bisping*.

26. As relevant to the production and distribution of *Bisping*, and again to the extent Electric Panda financed but did not produce the film, it is also liable for Score G’s copyright infringement alleged herein pursuant to the doctrine of contributory infringement. Electric Panda knew of Score G’s planned infringing activity with respect to the production and distribution of *Bisping*—indeed, it would

1 have been obvious from viewing the first cut. On information and belief, Electric
2 Panda, as the principal financier of the film, knew of the alleged infringing activity,
3 and induced, caused, or materially contributed to the production and distribution of
4 *Bisping*.

5 **FIRST CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

6 27. Zuffa is the owner of copyrights in the following audiovisual works,
7 which have been registered with the United States Copyright Office:

- 8 (a) *The Ultimate Fighter Season 3 Finale*
9 (b) *UFC 70 – Bisping v. Sinocic*
10 (c) *UFC 75 – Bisping v. Hamill*
11 (d) *UFC 83 – Bisping v. McCarthy*
12 (e) *UFC 85 – Bisping v. Day*
13 (f) *UFC 89 – Bisping v. Leben*
14 (g) *UFC 100 – Bisping v. Henderson I*
15 (h) *UFC 100 – Lesnar v. Mir*
16 (i) *UFC 105 – Bisping v. Kang*
17 (j) *UFC 114 – Bisping v. Miller*
18 (k) *UFC 120 – Bisping v. Akiyama*
19 (l) *UFC 127 – Bisping v. Rivera*
20 (m) *UFC on FX 7 – Bisping v. Belfort*
21 (n) *UFC FN 48 – Bisping v. Cung Le*
22 (o) *UFC FN 55 – Bisping v. Rockhold*
23 (p) *UFC 186 – Bisping v. Dollaway*
24 (q) *UFC 194 – McGregor v. Aldo*
25 (r) *UFC FN 84 – Bisping v. Silva*
26 (s) *UFC 199 – Bisping v. Rockhold II*
27 (t) *UFC 204 – Bisping v. Henderson II*
28 (u) *UFC 217 – Bisping v. GSP*

1 (v) *UFC FN 122 – Bisping v. Gastelum*²

2 28. Defendants used the above audiovisual works in *Bisping* without
3 consent or license from UFC.

4 29. To the extent it may not have directly used these audiovisual works,
5 Electric Panda is liable for such infringements pursuant to either or both the
6 doctrines of vicarious infringement and contributory infringement.

7 30. As a result of Defendants’ acts and omissions as described above, UFC
8 has suffered damages and will continue to suffer damages in an amount that is
9 presently unknown.

10 31. Defendants’ infringement entitles UFC to recover its actual damages
11 and Defendants’ profits attributable to the infringement.

12 32. Defendants’ infringement entitles UFC to recover statutory damages in
13 the maximum amount permitted by 17 U.S.C. § 504.

14 33. Defendants’ infringement was willful.

15 34. Defendants’ infringement entitles UFC to recover its attorneys’ fees
16 pursuant to 17 U.S.C. § 505.

17 35. Defendants’ infringement of UFC’s copyrights have caused and will
18 cause irreparable harm to UFC that cannot be fully compensated by money. Because
19 UFC has no adequate remedy at law, UFC is entitled to appropriate injunctive relief
20 prohibiting Defendants from further unauthorized use of UFC’s copyrighted
21 audiovisual works.

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26 _____
27 ² The copyright in the audiovisual work listed in (a) is held by Ultimate
28 Fighting Productions, LLC; all others are held by Zuffa. In addition, the copyrights
in the works listed in (n) and (o) were registered after the release of *Bisping*.

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1 **SECOND CLAIM FOR RELIEF: VIOLATION OF THE DIGITAL**
2 **MILLENNIUM COPYRIGHT ACT**

3 36. The Digital Millennium Copyright Act (“DMCA”) provides in
4 pertinent part that “[n]o person shall circumvent a technological measure that
5 effectively controls access to a work protected under [the Copyright Act].” 17
6 U.S.C. § 1201(a)(1)(A).

7 37. Various copies of Plaintiffs’ copyrighted works incorporate
8 technological protection measures (“TPMs”) to protect against unauthorized access
9 to and copying of Plaintiffs’ copyrighted content. By way of example, copies of the
10 audiovisual works discussed above in the First Claim for Relief are generally
11 distributed through UFC FIGHT PASS®, UFC’s digital subscription service. This
12 online service incorporates industry standard TPMs, generally in the form of digital
13 rights management (“DRM”) software.

14 38. On information and belief, Score G circumvented TPMs in order to use
15 and copy one or more of UFC’s copyrighted works set out above. Indeed, it is
16 unlikely that Score G could have used or copied some or all of the audiovisual
17 works discussed above *without* circumventing TPMs; the only alternative would be
18 noticeably poor in visual quality.

19 39. Score G’s apparent circumvention of TPMs was not authorized and was
20 in violation of 17 U.S.C. § 1201.

21 40. Each circumvention in violation of the DMCA constitutes a separate
22 and independent unlawful act from those stated in the first claim for relief.

23 41. UFC has sustained and will sustain actual damage as the result of Score
24 G’s DMCA violations, including, among other things, damages to the value of the
25 copyrighted works and lost licensing fees. UFC is also entitled to Defendants’
26 profits from their violations of the DMCA.

27 42. Alternatively, and at their election, UFC is entitled to an award of the
28 maximum statutory damages as permitted by the DMCA.

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1 43. To the extent it was not directly involved in the circumvention of the
2 TPMs, Electric Panda is liable for such infringements pursuant to either or both the
3 doctrines of vicarious liability and contributory liability.

4 **PRAYER FOR RELIEF**

5 A. For damages according to proof at trial;

6 B. For all profits attributable to Defendants' infringement and violations
7 of the DMCA;

8 C. For maximum statutory damages pursuant to 17 U.S.C. §§ 504 and
9 1203;

10 D. For attorneys' fees and costs of suit pursuant to 17 U.S.C. §§ 505 and
11 1203;

12 E. For pre-judgment and post-judgment interest to the maximum extent
13 permitted by law;

14 F. For a declaration that Defendants have infringed UFC's copyrights, as
15 set out above, and that such infringements were willful;

16 G. For a declaration that Defendants have violated the DMCA, as set out
17 above, and that such violations were willful; and

18 H. For appropriate injunctive relief prohibiting Defendants from using
19 UFC's copyrighted works, and circumventing technological protection measures
20 with respect to those works, without license or authorization.

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DATED: August 18, 2022

Respectfully Submitted,

KINSELLA WEITZMAN ISER KUMP
HOLLEY LLP

By: 

Michael J. Kump
Nicholas C. Soltman
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(d/b/a Ultimate Fighting Championship)
and ULTIMATE FIGHTING
PRODUCTIONS, LLC

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DEMAND FOR JURY TRIAL

Pursuant to the Seventh Amendment of the United States Constitution and Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury on all issues so triable.

DATED: August 18, 2022

Respectfully Submitted,

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By: 

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Exhibit A

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	Title	Registration Number
1.	<i>The Ultimate Fighter 3 : no. 313, Live event finale.</i> ³	PA0001260945
2.	<i>UFC 70: Nations Collide.</i>	PA0001606516
3.	<i>UFC 75: Champion vs. Champion.</i>	PA0001607001
4.	<i>UFC 78: Validation.</i>	PA0001621511
5.	<i>UFC 83: Sierra vs. St. Pierre</i>	PA0001621514
6.	<i>UFC 85: Bedlam</i>	PA0001621492
7.	<i>UFC 88: Breakthrough.</i>	PA0001659970
8.	<i>UFC 89: Bisping v. Leben.</i>	PA0001659949
9.	<i>UFC 100 Making History (Bisping v. Henderson I)</i>	PA0001648165
10.	<i>UFC 100 Making History (Lesnar v. Mir)</i>	PA0001648165
11.	<i>UFC 105: Couture vs. Vera</i>	PA0001665772
12.	<i>UFC 114: Rampage vs. Evans-Program Line Cut.</i>	PA0001716722
13.	<i>UFC 120: Bisping vs. Akiyama-Program Line Cut.</i>	PA0001745478
14.	<i>UFC 127: Penn vs. Fitch-Program Line Cut.</i>	PA0001753236
15.	<i>UFC on FX: Belfort v Bisping – Program Line Cut.</i>	PA0001842391

³ Registered to Ultimate Fighting Productions, LLC; all other works registered to Zuffa, LLC.

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	Title	Registration Number
16.	<i>UFC 186: Demtrious [sic] Johnson v. Kyoji Horiguchi ...</i>	PA0001958817
17.	<i>UFC 194: Jose Aldo v. Conor McGregor ...</i>	PA0001984511
18.	<i>UFC FIGHT NIGHT: Silva vs Bisping ...</i>	PA0002038270
19.	<i>UFC 199: Luke Rockhold v Michael Bisping 2 ...</i>	PA0002012603
20.	<i>UFC 204 : Preliminary Line Cut : 100816 ...</i>	PA0002016504
21.	<i>UFC 217: Michael Bisping v Georges St-Pierre - Program Line Cut.</i>	PA0002123368
22.	<i>UFC Fight Night: Michael Bisping v Kelvin Gastelum</i>	PA0002123386
23.	<i>UFC Fight Night: Bisping v. Cung Le</i>	PA0002364665
24.	<i>UFC Fight Night: Luke Rockhold v. Michael Bisping</i>	PA0002364668

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