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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 AYLO PREMIUM LTD, a limited  
9 liability company organized under the  
10 laws of the Republic of Cyprus,

11 Plaintiff,

12 v.

13 ANATOLY CHERNOV and JOHN  
14 DOES 1–20, d/b/a PORNHITS.COM,

15 Defendants.

CASE NO. 25-CV-6071-BHS

ORDER

16 THIS MATTER is before the Court on plaintiff Aylo Premium Ltd’s motion for  
17 default judgment against Anatoly Chernov. Dkt. 16.

18 Aylo asserts copyright infringement claims against Chernov for pirating Aylo’s  
19 adult entertainment videos on his website pornhits.com. Dkt. 1 at 2. The Court granted  
20 Aylo’s request for alternative service by email, concluding that email was reasonably  
21 calculated to give notice to Chernov, who lives outside the United States with no valid  
22 physical addresses. Dkt. 9. Chernov did not respond to Aylo’s complaint. Dkt. 15.

1 Aylo now moves for default judgment, seeking \$15,000 in statutory damages for  
2 each of the 5,635 offending works, for a total of \$84,525,000. Dkt. 16 at 12. It argues that  
3 Chernov knew his conduct was unlawful, concealed his identity to avoid liability, and  
4 ignored almost 45,000 takedown notices. *Id.* at 9. Aylo asks the Court to enjoin Chernov  
5 from further infringement and to require non-party registrars and registries to transfer the  
6 offending domain names to Aylo's control. *Id.* at 12.

7 To enter default judgment, the Court must consider seven factors:

8 (1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff's  
9 substantive claim, (3) the sufficiency of the complaint, (4) the sum of money  
10 at stake in the action; (5) the possibility of a dispute concerning material  
11 facts; (6) whether the default was due to excusable neglect, and (7) the strong  
12 policy underlying the Federal Rules of Civil Procedure favoring decisions on  
13 the merits.

14 *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Applying those factors, the  
15 Court finds that default judgment is appropriate.

16 Chernov has not answered or responded to the complaint. He has neither disputed  
17 any material facts nor provided evidence of excusable neglect. Absent a default  
18 judgment, Aylo will likely receive no remedy. *See Browar v. JHH Exp. & Imp., LLC*,  
19 2024 WL 5275523, at \*2 (C.D. Cal. Oct. 25, 2024). In addition, Aylo provides sufficient  
20 evidence showing that it is likely to prevail on its copyright infringement claims: it owns  
21 the copyrighted works and Chernov distributed those works without permission. *See*  
22 *Ambrosetti v. Oregon Cath. Press*, 151 F.4th 1211, 1218 (9th Cir. 2025) (To prove  
copyright infringement, plaintiff must show (1) ownership of the copyright; and (2)

1 infringement). Although public policy favors resolving matters on the merits, all other  
2 factors strongly support default judgment.

3 To determine the appropriate amount of damages for copyright infringement, the  
4 Court must consider “the nature of the copyright, the circumstances of the infringement  
5 and the like . . . but with the express qualification that in every case the assessment must  
6 be within the prescribed [statutory range]. Within these limitations the court’s discretion  
7 and sense of justice are controlling.” *F.W. Woolworth Co. v. Contemp. Arts, Inc.*, 344  
8 U.S. 228, 232 (1952) (emphasis added). If the Court finds that infringement was  
9 committed willfully, it may increase the award of statutory damages to \$150,000. 17  
10 U.S.C. § 4(c)(2). Statutory damages are intended as a substitute for profits or actual  
11 damages, but they are not meant “to provide copyright owners a windfall.” *Desire, LLC*  
12 *v. Manna Textiles, Inc.*, 986 F.3d 1253, 1271 (9th Cir. 2021) (citation modified).

13 Aylo asks the Court to award \$15,000 per offending work for a total of  
14 \$84,525,000. It asserts that pornhits’ free display of Aylo’s works directly impacts its  
15 own ability to sell memberships featuring those same works. Dkt. 17 at 7. It estimates  
16 that as a result of pornhits’ piracy, it loses approximately 17 million per month in revenue  
17 but admits that it is “impossible to calculate the exact loss.” *Id.* at 8. It also admits that  
18 “not all” of the viewers who viewed Aylo’s works for free on pornhits’ website would  
19 have paid to view them on Aylo’s website. *Id.* In addition, Aylo contends that while it  
20 loses revenue, Chernov’s own profits increase. Aylo explains that Chernov’s use of its  
21 copyrighted works, “among the most popular in the world of adult entertainment,”  
22 generates traffic to his websites, and as a result increases his advertising revenue. *Id.*

1 Aylo contends that a large damages award is appropriate “to deter others from the  
2 temptation to engage in the same misconduct.” *Id.* at 9.

3 Aylo emphasizes that although the Court may award up to \$150,000 per infringing  
4 work, it requests only that the Court apply the same analysis as it has done in prior adult  
5 video copyright cases and award \$15,000 per use. *Id.* at 11 (citing *MG Premium v.*  
6 *Thomas Zang, et al.*, No. 3:20-cv-05134-BHS, Dkt. 40 (W.D. Wash. Dec. 18, 2025)  
7 (awarding \$15,000 per work); *Will Co. Ltd. v. Lee*, No. 3:20-cv-05802-BHS, Dkts. 64  
8 and 65 (W.D. Wash. Jan. 7, 2025) (same); *MG Premium Ltd v. Kharchenko*, No. 3:21-cv-  
9 05733-BHS, Dkt. No. 28 (W.D. Wash. Nov. 7, 2022) (same)).

10 The Court acknowledges these cases but determines that, upon further review, a  
11 lower award is warranted here. The Court considers the reasoning of other district courts  
12 that have addressed similar copyright complaints. In those cases, courts have required  
13 plaintiffs seeking an award above the statutory minimum to provide some evidence of its  
14 own lost profits or the infringer’s profit increase. *See Fornix Holdings LLC, et al. v.*  
15 *Unknown Party*, No. CV-25-01818-PHX-KML, 2026 WL 933344, at \*2 (D. Ariz. Apr. 7,  
16 2026); *Atari Interactive, Inc. v. Redbubble, Inc.*, 546 F. Supp. 3d 883, 889 (N.D. Cal.  
17 2021).

18 Aylo relies on *Perfect 10, Inc. v. Talisman Communs., Inc.*, No. CV99-10450 RAP  
19 MCX, 2000 WL 364813 (C.D. Cal. Mar. 27, 2000), where the district court awarded the  
20 maximum statutory damages at the time, \$100,000, for a defendant’s online distribution  
21 of plaintiff’s photographs. However, the *Perfect 10* court provided no meaningful  
22 analysis of the infringement’s effect on either the plaintiff’s losses or the defendant’s

1 profits, stating only that “it is clear that Perfect 10 has been severely damaged.” *Id.* at \*4.  
2 Moreover, *Perfect 10* was decided over 25 years ago and involved just six photographs  
3 covered by three copyright registrations, resulting in a total statutory award of \$300,000.  
4 That unsupported award provides no basis for imposing a comparably outsized damages  
5 figure in a case involving thousands of works.

6 Calculating damages is difficult but the Court requires more than mere guesswork.  
7 Aylo fails to offer any concrete evidence of lost profits, relying instead upon conjecture  
8 as to the effect of Chernov’s piracy on its bottom line. Aylo also fails to provide even a  
9 conservative estimate calculating the increase in Chernov’s advertising revenue  
10 attributable to the infringement or a reasonable percentage of users who would be willing  
11 to pay for this content when they could obtain similar content for free. It is unclear to the  
12 Court whether Aylo’s works constitute even a substantial portion of pornhits’ overall  
13 content. Without such evidence, an award of \$84 million would be an inappropriate  
14 windfall. Based on the reasoning in *Fornix* and in the exercise of its discretion, the Court  
15 concludes that nothing more than the statutory minimum is justified. The Court awards  
16 Aylo **\$750** for each of the **5,635** offending works, totaling **\$4,226,250**.

17 Aylo also seeks permanent injunctive relief under 17 U.S.C. § 502(a). Dkt. 16 at  
18 12. The Court may grant a permanent injunction where the plaintiff demonstrates that (1)  
19 “it has suffered an irreparable injury;” (2) “remedies available at law, such as monetary  
20 damages, are inadequate to compensate for that injury;” (3) “considering the balance of  
21 hardships between the plaintiff and defendant, a remedy in equity is warranted;” and (4)  
22 “the public interest would not be disserved by a permanent injunction.” *eBay Inc. v.*

1 *MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006). The Court does so in the exercise of its  
2 equitable discretion. *Id.*

3 Aylo has demonstrated each of the elements required for a permanent injunction.  
4 Chernov’s use of Aylo’s copyrighted videos deprives Aylo of the “exclusive right to  
5 decide when, where, to whom, and for how much they will authorize transmission of  
6 their Copyrighted Works to the public.” *Warner Bros. Ent. Inc. v. WTV Sys., Inc.*, 824 F.  
7 Supp. 2d 1003, 1012 (C.D. Cal. 2011). It is also apparent that monetary damages will  
8 likely not be adequate to prevent future infringement because Aylo may not be able to  
9 collect the default judgment from Chernov. *Id.* The balance of hardships in the absence of  
10 injunctive relief tilts towards Aylo, and public interest is served by granting injunctive  
11 relief. *See Apple Comput., Inc. v. Franklin Comput. Corp.*, 714 F.2d 1240, 1255 (3d Cir.  
12 1983) (“[I]t is virtually axiomatic that the public interest can only be served by upholding  
13 copyright protections and, correspondingly, preventing the misappropriation of the skills,  
14 creative energies, and resources which are invested in the protected work.”). In short,  
15 Aylo is entitled to a permanent injunction precluding Chernov from infringing on its  
16 copyrighted works.

17 Next, Aylo requests that the Court order non-party registrars and registries to  
18 disable and transfer Chernov’s infringing domains to Aylo. Although the Copyright Act  
19 is ambiguous as to whether a Court may order non-parties to transfer domains, Chernov  
20 has not appeared to challenge the remedy, and several courts, including this Court, have  
21 found that transfer is an appropriate remedy to prevent further infringement of a  
22 copyright holder’s rights. *See Aylo Premium Ltd v. John Does 1–20, et al.*, No. 3:25-cv-

1 5473-BHS, Dkt. 25 (W.D. Wash. Dec. 18, 2026); *Zang*, No. 3:20-cv-05134-BHS, Dkt.  
2 40; *Fornix*, 2026 WL 933344, at \*3; *McGraw-Hill Glob. Educ. Holdings, LLC v. Khan*,  
3 323 F. Supp. 3d 488, 500 (S.D.N.Y. 2018).

4 The Court therefore **ORDERS** the registrars and registries hosting Chernov's  
5 infringing websites to **DISABLE** and **TRANSFER** the domain names to Aylo as  
6 described in Aylo's motion, Dkt. 16 at 15–16.

7 Finally, Aylo Premium seeks \$10,740 in attorneys' fees and \$405 in costs. *Id.* at  
8 17. These fees and costs appear reasonable in light of the stakes and the effort reflected in  
9 the record, and the Court **ORDERS** such an award of fees and costs under 17 U.S.C. §  
10 505.

11 The Clerk shall enter a **JUDGMENT** consistent with this Order and close the  
12 case.

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14 Dated this 5th day of May, 2026.

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17 BENJAMIN H. SETTLE  
18 United States District Judge  
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