

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 17-61051-CIV-ALTONAGA/Goodman

ABS-CBN CORPORATION, *et al.*,

Plaintiffs,

v.

ABSCBN-TELESERYE.COM, *et al.*,

Defendants.

ORDER

THIS CAUSE came before the Court at a June 20, 2017 hearing [ECF No. 19] on Plaintiffs, ABS-CBN Corporation; ABS-CBN Film Productions, Inc. d/b/a Star Cinema; and ABS-CBN International's *Ex Parte* Application for . . . Preliminary Injunction [ECF No. 6], filed May 30, 2017, and Plaintiffs' Supplemental Brief to Add Domains to Plaintiffs' Application for Entry of Preliminary Injunction [ECF No. 16], filed June 19, 2017. Plaintiffs allege Defendants, abscbn-teleserye.com, *et al.*, infringe Plaintiffs' trademarks and copyrights and promote and offer counterfeit ABS-CBN branded services through the websites identified on Schedule A¹ (the "Subject Domain Names"). Among other requests, Plaintiffs ask the Court to enjoin Defendants from offering services that infringe their trademarks and copyrights, seize control of the domain names of the infringing websites and redirect the web traffic searching for those domains to another site displaying a copy of the pleadings from this case, and restrain funds in payment accounts associated with Defendants.

¹ For ease of reference, to identify individual Defendants, the Court may use the assigned Defendant Numbers appearing in the left-most column of the table contained in Schedule A.

On June 2, 2017, the Court entered an Order (“Temporary Restraining Order”) [ECF No. 9] granting Plaintiffs’ *ex parte* motion for a temporary restraining order requiring “any response or opposition to Plaintiffs’ Motion . . . be filed and served on Plaintiffs’ counsel by June 13, 2017.” (*Id.* ¶ 20 (alterations added)). The Temporary Restraining Order further notified Defendants failure to appear at the hearing could result in the imposition of a preliminary injunction against them under 15 U.S.C. section 1116(d), Federal Rule of Civil Procedure 65, 28 U.S.C. section 1651(a), and the Court’s inherent authority. (*See id.*). Defendants were served with relevant case documents on June 5, 2017. (*See* Certificates of Service [ECF Nos. 14, 15]). To date, Defendants have failed to file a response and have not requested an extension of time within which to do so. The Court has carefully considered the Application and pertinent portions of the record.

I. INTRODUCTION

Plaintiffs raise seven claims for relief: (1) trademark counterfeiting and infringement under section 32 of the Lanham Act, 15 U.S.C. section 1051, *et seq.* (*see* 15 U.S.C. § 1114); (2) false designation of origin under section 43(a) of the Lanham Act (*see* 15 U.S.C. § 1125(a)); (3) cybersquatting under 15 U.S.C. section 1125(d); (4) unfair competition under Florida common law; (5) trademark infringement under Florida common law; (6) direct infringement of copyright under the Copyright Act, 17 U.S.C. section 101 *et seq.*; and (7) contributory infringement of copyright under the Copyright Act, 17 U.S.C. section 101 *et seq.* (*See* Complaint [ECF No. 1] ¶¶ 83–147).

Plaintiffs allege Defendants are promoting, advertising, distributing, offering for distribution and/or publicly performing their copyrighted content under counterfeit and

infringing copies of the ABS-CBN Marks within the Southern District of Florida through the fully accessible websites operating under their Subject Domain Names identified on Schedule A.

Plaintiffs allege Defendants' unlawful activities have caused and will continue to cause irreparable injury to Plaintiffs because Defendants have (1) deprived Plaintiffs of their right to determine the manner in which their trademarks are presented to consumers; (2) defrauded consumers into thinking Defendants' distribution services for pirated versions of Plaintiffs' copyrighted content are authorized by Plaintiffs; (3) deceived the public as to Plaintiffs' association with Defendants' services and the websites through which such copyrighted content is performed, marketed, advertised, and distributed; and (4) wrongfully traded and capitalized on Plaintiffs' reputations and goodwill as well as the commercial value of Plaintiffs' trademarks and copyrighted works. (*See generally id.*).

In the Application, Plaintiffs move for the issuance of a preliminary injunction against Defendants for alleged violations of the Lanham Act and the Copyright Act. (*See Appl.* 15–20).

II. BACKGROUND²

1. Plaintiff ABS-CBN International is the registered owner of the following trademarks registered on the Principal Register of the United States Patent and Trademark Office (collectively, the “ABS-CBN Registered Marks”):

² The factual background is taken from the Complaint, Application, Supplemental Brief, and supporting evidentiary submissions.

<u>Trademark</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>Class/Services</u>
ABS-CBN	2,334,131	March 28, 2000	IC 036 – telephone calling card services IC 038 – television broadcasting services via satellite and cable
TFC	3,733,072	January 5, 2010	IC 038 – television broadcasting services via satellite and cable IC 041 – production and programming of television shows, entertainment and a variety of programming distributed over television, satellite and via a global computer network

(See Declaration of Elisha J. Lawrence [ECF No. 6-1] ¶ 5). The ABS-CBN Registered Marks are used in connection with the creation and distribution of entertainment content in the categories identified above. (*See id.*).

2. Plaintiff ABS-CBN International is further the owner of all rights in and to the following common law trademark (the “ABS-CBN Common Law Mark”):



(See Lawrence Declaration ¶ 6). The ABS-CBN Common Law Mark is used in connection with the creation and distribution of entertainment content. (*See id.*). Together, the ABS-CBN Registered Marks and the ABS-CBN Common Law Mark are referred to as the “ABS-CBN Marks.” Plaintiffs, ABS-CBN Corporation; ABS-CBN Film Productions, Inc.; and ABS-CBN

International share exclusive rights in and to the ABS-CBN Marks. Moreover, Plaintiffs are all licensed to use and enforce the ABS-CBN Marks. (*See id.*)

3. Plaintiff, ABS-CBN Film Productions, Inc., is the owner of the registered copyrights in and to the movies specifically identified in Exhibit 2 to the Complaint [ECF No. 1-3]. Moreover, Plaintiff ABS-CBN Corporation is the owner of many unregistered copyrights, including but not limited to those specifically identified in the Complaint. (*See* Compl. ¶ 25; *see also id.*, Ex. 4 [ECF No. 1-5]; Lawrence Decl. ¶ 4). Collectively, these registered and unregistered copyrighted works are referred to herein as the “Copyrighted Works.” Plaintiffs share exclusive rights in and to the Copyrighted Works. (*See* Lawrence Decl. ¶ 4).

4. Defendants, through the fully accessible Internet websites operating under their individual, partnership, and/or business association names identified on Schedule A³ (the “Subject Domain Names”) and via certain social media profiles, have advertised, promoted, offered for distribution, distributed and/or publicly performed the Copyrighted Works under

³ After the filing of the Complaint in this matter, but prior to filing the Application, Plaintiffs discovered two of the Defendants’ Subject Domain Names — Defendant Number 19, pinoytvshows.net, and Defendant Number 27, weeklywarning.org — have begun automatically redirecting visitors to new domain names, pinoy-tvshows.net and weeklywarning.com (“Newly Discovered Domain Names”), respectively. (*See* Declaration of Christine Ann Daley [ECF No. 6-2] ¶ 2 n.1; Daley Declaration Composite Exhibit 3 [ECF No. 6-5]). Furthermore, after the entry of the Temporary Restraining Order, ABS-CBN discovered Defendant Number 23 has continued to engage in and expand its use of Plaintiffs’ trademarks and copyrights at issue in this matter via the websites operating under the domain names lambingans.com, thepinoy1tv.me, thepinoytv.com, and pinoytv.ph (the “Additional Domain Names”). (*See* Declaration of Elisha J. Lawrence in Support of Plaintiffs’ Supplemental Brief to Add Domains to the Application for Preliminary Injunction (“Lawrence Decl. in Support of Supp. Brief”) [ECF No. 16-1] ¶¶ 5–6; Declaration of Christine Ann Daley in Support of Plaintiffs’ Supplemental Brief to Add Domains to the Application for Preliminary Injunction (“Daley Decl. in Support of Supp. Brief”) [ECF No. 16-2] ¶¶ 5–6; Daley Declaration in Support of Supplemental Brief Composite Exhibit 1 [ECF No. 16-3]; Daley Declaration in Support of Supplemental Brief Composite Exhibit 2 [ECF No. 16-4]; *see generally* Compl.; *id.* Composite Exhibit 3 [ECF No. 1-4]; *id.* Composite Exhibit 4 [ECF No. 1-5]).

Several Defendants use some of their Subject Domain Names to act as supporting domain names to direct traffic to their other websites operating under the Subject Domain Names, from which users may view the Copyrighted Works. (*See* Lawrence Decl. ¶ n. 2; Lawrence Decl. in Support of Supp. Br. ¶ 5 n.1; Daley Decl. in Support of Supp. Brief ¶ 6 n.1).

what Plaintiffs have determined to be counterfeits, infringements, reproductions, and/or colorable imitations of the ABS-CBN Marks. (*See* Lawrence Decl. ¶¶ 12–15; Daley Decl. ¶ 2; Daley Decl. Composite Ex. 3; Compl. Composite Ex. 3; Compl. Composite Ex. 4; Complaint Composite Exhibit 5 [ECF No. 1-6]; Lawrence Decl. in Support of Supp. Br. ¶¶ 5–6; Daley Decl. in Support of Supp. Br. ¶¶ 5–6; Daley Decl. in Support of Supp. Br. Composite Exs. 1–2).

5. Although each Defendant may not copy and infringe each of Plaintiffs’ trademarks for each category of services protected, Plaintiffs have submitted sufficient evidence showing each Defendant has infringed, at least, one or more of the ABS-CBN Marks and the Copyrighted Works at issue. (*See* Lawrence Decl. ¶¶ 12–15; Composite Exhibit 3 to the Daley Decl.; Compl. Composite Exs. 3, 4, and 5; Lawrence Decl. in Support of Supp. Br. ¶¶ 5–6; Daley Decl. in Support of Supp. Brief ¶¶ 5–6 and Composite Exs. 1 and 2 thereto). Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, or colorable imitations of the of the ABS-CBN Marks and/or perform or distribute the Copyrighted Works. (*See* Lawrence Decl. ¶¶ 12–15; Lawrence Decl. in Support of Supp. Br. ¶ 6).

5. As part of its ongoing investigation regarding the infringement of Plaintiffs’ intellectual property, Stephen M. Gaffigan, P.A. performed an investigation into the advertising accounts used by Defendants. (*See* Daley Decl. ¶ 5; Daley Decl. in Support of Supp. Br. ¶ 8). By inspecting the Hyper Text Markup Language (“html”) Source Code for the websites operating under the Subject Domain Names, Stephen M. Gaffigan, P.A. was able to specifically locate and identify many of the advertising revenue accounts of the Defendants, which are identified on Schedule B, along with Defendants’ associated e-mail addresses as identified in the publicly available domain name registration data for Defendants. (*See* Daley Decl. ¶¶ 3, 5 n.1;

Daley Declaration Composite Exhibit 2 [ECF No. 6-4]; Daley Decl. Composite Ex. 3; Daley Decl. in Support of Supp. Br. ¶ 8; Daley Declaration in Support of Supplemental Brief Composite Exhibit 3 [ECF No. 16-5]; Daley Declaration in Support of Supplemental Brief Composite Exhibit 4 [ECF No. 16-6]).

6. Plaintiffs' representative reviewed and visually inspected the Internet websites operating under the Subject Domain Names or the web page captures of the Subject Domain Names, and determined the distribution services offered by Defendants were not genuine or authorized distribution services of Plaintiffs' Copyrighted Works. (*See* Lawrence Decl. ¶¶ 13–15; Lawrence Decl. in Support of Supp. Br. ¶ 6).

III. LEGAL STANDARD

Plaintiffs have filed claims under the Lanham Act, the Copyright Act, and Florida common law. (*See generally* Compl.). The Lanham Act provides the Court “shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent and Trademark Office or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title.” 15 U.S.C. § 1116(a). Injunctive relief is also available for a violation of 15 U.S.C. section 1114(1)(a) and 17 U.S.C. section 502(a). *See id.* 15 U.S.C. § 1116(d)(1)(A).

In order to obtain a preliminary injunction, a party must demonstrate “(1) [there is] a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest.” *Schiavo ex. rel Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005) (per curiam) (alteration added; citation omitted); *see also Levi Strauss & Co. v. Sunrise Int’l Trading Inc.*, 51 F.3d 982, 985 (11th Cir. 1995) (applying the test to a preliminary injunction in a Lanham Act case).

With respect to scope, generally, “persons who are not actual parties to the action or in privity with any of them may not be brought within the effect of a[n injunctive] decree merely by naming them in the order.” 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE, § 2956 at 335–36 (2d ed. 1995) (footnote call number omitted; alterations added). However, “a decree of injunction not only binds the parties defendant but also those identified with them in interest, in ‘privity’ with them, represented by them or subject to their control.” *Golden State Bottling Co. v. NLRB*, 414 U.S. 168, 179 (1973) (quoting *Regal Knitwear Co. v. NLRB*, 324 U.S. 9, 14 (1945)); *see also* FED. R. CIV. P. 65(d)(2). Specifically relevant to this case, 15 U.S.C. section 1114(2)(D) implicitly provides the Court with authority to request or order “[a] domain name registrar, a domain name registry, or other domain name registration authority . . . [to] deposit[] with a court, in which an action has been filed regarding the disposition of the domain name, documents sufficient for the court to establish the court’s control and authority regarding the disposition of the registration and use of the domain name.” *Id.* §§ 1114(2)(D)(i)–(ii) (alterations added).

Additionally, under the Lanham Act, a plaintiff may be entitled to recover as an equitable remedy the illegal profits gained through a defendant’s distribution and sale of goods bearing counterfeit and infringing trademarks. *See id.* § 1117(a); *see also Reebok Int’l, Ltd. v. Marnatech Enters., Inc.*, 970 F.2d 552, 559 (9th Cir. 1992) (“An accounting of profits under § 1117(a) is not synonymous with an award of monetary damages: ‘[a]n accounting for profits . . . is an equitable remedy subject to the principles of equity.’” (alterations in original) (quoting *Fuller Brush Prods. Co. v. Fuller Brush Co.*, 299 F.2d 772, 777 (7th Cir. 1962))). Requesting equitable relief “invokes the district court’s inherent equitable powers to order preliminary relief, including an asset freeze, in order to assure the availability of permanent relief.” *Levi Strauss &*

Co., 51 F.3d at 987 (citing *Fed. Trade Comm'n v. U.S. Oil & Gas Corp.*, 748 F.2d 1431, 1433–34 (11th Cir. 1984)).

IV. ANALYSIS

The declarations Plaintiffs have submitted in support of their Application support the following conclusions of law:

A. Plaintiffs have a very strong probability of proving at trial consumers are likely to be confused by Defendants' advertisement, promotion, distribution and public performance of the Copyrighted Works using counterfeits, reproductions, and/or colorable imitations of the ABS-CBN Marks, and the services Defendants are offering and promoting are unauthorized distribution services using the ABS-CBN Marks.

B. Because of the infringement of the ABS-CBN Marks and Copyrighted Works, Plaintiffs are likely to suffer immediate and irreparable injury if a preliminary injunction is not granted. It clearly appears from the following specific facts, as set forth in Plaintiffs' Complaint, Application, and accompanying declarations on file, immediate and irreparable loss, damage, and injury will result to Plaintiffs and to consumers because it is more likely true than not:

1. Defendants own or control websites or domain names which advertise, promote, and/or offer distribution services using counterfeit and infringing trademarks and infringe the Copyrighted Works in violation of Plaintiffs' rights; and

2. There is good cause to believe Defendants will continue to violate Plaintiffs' intellectual property rights and offer more distribution services of copyrighted content under counterfeit and infringing versions of Plaintiffs' trademarks; that consumers are likely to be misled, confused, or disappointed by the quality of these services; and that Plaintiffs may

suffer loss of sales for their genuine services and an unnatural erosion of the legitimate marketplace in which they operate.

C. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded services if a preliminary injunction is issued is far outweighed by the potential harm to Plaintiffs, their reputations, and goodwill as a manufacturer and distributor of quality entertainment content if such relief is not issued.

D. The public interest favors issuance of a preliminary injunction in order to protect Plaintiffs' trademark and copyright interests and protect the public from being defrauded by the palming off of counterfeit services as Plaintiffs' genuine services.

E. Under 15 U.S.C. section 1117(a) and 17 U.S.C. section 504(a)(b), Plaintiffs may be entitled to recover, as an equitable remedy, the illegal profits gained through Defendants distribution of pirated versions of Plaintiffs' Copyrighted Works under counterfeits and infringements of the ABS-CBN Marks. *See Reebok Int'l, Ltd.*, 970 F.2d at 559 ("An accounting of profits under § 1117(a) is not synonymous with an award of monetary damages: '[a]n accounting for profits . . . is an equitable remedy subject to the principles of equity.'" (alterations in original) (quoting *Fuller Brush Prods. Co.*, 299 F.2d at 777)).

F. Requesting equitable relief "invokes the district court's inherent equitable powers to order preliminary relief, including an asset freeze, in order to assure the availability of permanent relief." *Levi Strauss & Co.*, 51 F.3d at 987 (citing *Fed. Trade Comm'n v. U.S. Oil & Gas Corp.*, 748 F.2d 1431, 1433-34 (11th Cir. 1984)).

G. In light of the inherently deceptive nature of the counterfeiting and piracy business, and the likelihood that Defendants have violated federal trademark and copyright laws,

Plaintiffs have good reason to believe Defendants will hide or transfer their ill-gotten assets beyond the jurisdiction of the Court unless those assets are restrained.

V. CONCLUSION

For the foregoing reasons, it is

ORDERED AND ADJUDGED that Plaintiffs' Application [ECF No. 6] is **GRANTED** as follows:

1. Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order are hereby restrained and enjoined until further Order of the Court:

- a. From advertising, promoting, copying, broadcasting, publicly performing, and/or distributing any of the Plaintiffs' content or copyrighted works;
- b. From advertising, promoting, offering, distributing, using, and/or causing to be advertised, promoted, offered and/or distributed, any services using the ABS-CBN Marks, or any confusingly similar trademarks, other than those actually offered or distributed by Plaintiffs; and
- c. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: any evidence relating to the promotion, advertisement, and/or distribution of services or copyrighted content bearing or under the ABS-CBN Marks, or any confusingly similar trademarks or public performances or distributions of Plaintiffs' Copyrighted Works.

2. Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue, until further Order of this Court, the use of the ABS-

CBN Marks or any confusingly similar trademarks, on or in connection with all websites, social media profiles, domain names, or businesses owned and operated, or controlled by them, including the Internet websites operating under the Subject Domain Names;

3. Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue, until further Order of this Court, the use of the ABS-CBN Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including the title of any web page), from any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms that are visible to a computer user or serves to direct computer searches to websites registered, owned, or operated by each Defendant, including the Internet websites operating under the Subject Domain Names;

4. Each Defendant shall not transfer ownership of the websites under their Subject Domain Names during the pendency of this action, or until further Order of the Court;

5. The Subject Domain Names' Registrars are directed, to the extent not already done, to transfer to Plaintiffs' counsel for deposit with this Court, domain name certificates for the Subject Domain Names;

6. Upon Plaintiffs' request, the privacy protection service for any Subject Domain Name for which the Registrant uses such privacy protection service to conceal the Registrant's identity and contact information are ordered, to the extent not already done, to disclose to Plaintiffs the true identities and contact information of those Registrants;

7. The Subject Domain Names' Registrars shall immediately, to the extent not already done, assist in changing the Registrar of record for the Subject Domain Names to a

holding account with a registrar of Plaintiffs' choosing (the "New Registrar"), excepting any such domain names which such Registrars have been notified in writing by Plaintiffs have been or will be dismissed from this action, or as to which Plaintiffs have withdrawn their request to immediately transfer such domain names. To the extent the Registrars do not assist in changing the Registrars of record for the domains under their respective control within one business day of receipt of this Order, the top-level domain (TLD) Registries, for the Subject Domain Names, or their administrators, including backend registry operators or administrators, within five business days of receipt of this Order, shall change, or assist in changing, the Registrar of record for the Subject Domain Names to a holding account with the New Registrar, excepting any such domain names which such Registries have been notified in writing by Plaintiffs have been or will be dismissed from this action, or as to which Plaintiffs have withdrawn their request to immediately transfer such domain names. Upon the change of the Registrar of record for the Subject Domain Names, the New Registrar will maintain access to the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, the New Registrar shall immediately institute a temporary 302 domain name redirection which will automatically redirect any visitor to the Subject Domain Names to the following Uniform Resource Locator ("URL") <http://servingnotice.com/BW4G44W>

[index.html](#) whereon copies of the Complaint, this Order, and all other documents on file in this action are displayed. Alternatively, the New Registrar may update the Domain Name System ("DNS") data it maintains for the Subject Domain Names, which link the domain names to the IP addresses where their associated websites are hosted, to NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where copies of the Complaint, this Order, and all other documents on file in this action are displayed.

After the New Registrar has effected this change, the Subject Domain Names shall be placed on lock status, preventing the modification or deletion of the domains by the New Registrar or Defendants;

8. As a matter of law, this Order shall no longer apply to any Defendant or associated domain name dismissed from this action or as to which Plaintiffs have withdrawn their request for a preliminary injunction;

9. Each Defendant shall preserve copies, and continue to preserve, of all computer files relating to the use of any of the Internet websites under their Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Internet websites under their Subject Domain Names that may have been deleted before the entry of this Order;

10. Upon receipt of notice of this Order, to the extent not already done, all funds in the advertising accounts related to Defendants as identified on Schedule B, including but not limited to those which are currently held by the advertising services, networks, and/or platforms identified in Schedule B (the "Advertising Services"), and their related companies and affiliates, are immediately restrained from movement, transfer, or otherwise being disturbed, as opposed to ongoing activity. Additionally, all funds in or which are transmitted into: (i) any other accounts of the same customer(s), (ii) any other accounts which transfer funds into the same financial institution/advertising account(s), and/or any of the other accounts subject to this Order; and (iii) any other accounts tied to or used by any of the Defendants or Subject Domain Names identified on Schedule B, are immediately restrained from movement, transfer, or otherwise being disturbed, as opposed to ongoing activity;

11. The funds described in paragraph 10, to the extent not already done, are to be immediately diverted to a holding account for the trust of the Court, as well as any associated

payment or advertising accounts, and any other accounts of the same customer(s), in addition to any other accounts which transfer funds into the same advertising/financial institution account(s) as any of the other advertising accounts subject to this Order;

12. Defendants shall authorize and instruct the Advertising Services as identified on Schedule B to provide Plaintiffs' counsel with all data that details: (i) an accounting of the total funds restrained and identifies the advertising/financial account(s) which the restrained funds are related to, and (ii) the account transactions related to all funds transmitted into the advertising/financial account(s) which have been restrained. No funds restrained by this Order shall be transferred or surrendered for any purpose (other than pursuant to a chargeback made pursuant to the Advertising Services' security interest in the funds) without the express authorization of this Court. Defendants shall further, within five days of receiving this Order, provide the Court with an affidavit detailing their compliance with the mandates described in this paragraph;

13. This Order shall apply to the Subject Domain Names, associated websites, and any other domain names, websites, and/or advertising or payment accounts properly brought to the Court's attention and verified by affidavit that such new domain names or accounts are being used by Defendants for the purpose of counterfeiting the ABS-CBN Marks at issue in this action and/or unfairly competing with Plaintiffs;

14. The Advertising Services identified on Schedule B or any other Defendant or financial institution account holder subject to this Order may petition the Court to modify the asset restraint set out in this Order.


15. Pursuant to 15 U.S.C. section 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), Plaintiffs shall maintain their previously posted bond in the amount of \$10,000.00, as

payment of damages to which Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further Order of the Court. In the Court's discretion, the bond may be subject to increase should an application be made in the interest of justice;

16. Additionally, for the purpose of providing additional notice of this proceeding, and all other pleadings, orders, and documents filed herein, Defendants shall authorize and instruct the owners, operators and/or administrators of the Advertising Services as identified on Schedule B, to provide Plaintiffs' counsel with any e-mail address known to be associated with Defendants' respective advertising accounts and/or Subject Domain Names. Defendants shall further, within five days of receiving this Order, provide the Court with an affidavit detailing their compliance with the mandates described in this paragraph;

17. This Preliminary Injunction shall remain in effect during the pendency of this action, or until further date as set by the Court or stipulated to by the parties.

DONE AND ORDERED in Miami, Florida, this 22nd day of June, 2017.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record

SCHEDULE A
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME

Def. No.	Subject Domain Name
1	abscbn-teleserye.com
2	astigvideos.com
3	cinepinoy.lol
3	cinepinoy.ag
3	pinoyflix.ag
3	pinoyflix.lol
4	cinezen.me
5	dramascools.com
6	dramasget.com
7	ebenta.info
8	frugalpinoytv.org
9	lambingan.cn
10	pinoylambingan.ph
10	lambingan.io
11	lambingans.net
12	latestpinoymovies.com
13	pinasnews.net
14	pinastvreplay.com
15	pinoybay.ch
16	pinoychannel.me
17	pinoydailyshows.com
18	pinoyplayback.net
19	pinoytvshows.net
19	pinoytv-shows.net
20	rondownload.net
21	sarapmanood.com
22	tambayanshow.net
23	thelambingan.com
23	lambingans.com
23	thepinoy1tv.me
23	thepinoytv.com
23	pinoytv.ph
24	tvnijuan.org

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Def. No.	Subject Domain Name
25	tvambayan.org
26	vianowpe.com
27	weeklywarning.org
27	weeklywarning.com

SCHEDULE B
DEFENDANTS BY NUMBER, SUBJECT DOMAIN NAME, ADVERTISING ACCOUNT
INFORMATION, AND ASSOCIATED E-MAIL ADDRESSES

Def . No.	Subject Domain Name	Advertising Service/Platform	Account Identifier	Associated E-mail Address(es)
1	abschn- teleserye.com	Google AdSense Google, Inc.	ca-pub- 836367084 9262616	06zqahjcbmzc@contactp rivacy.email
2	astigvideos.com	Google AdSense Google, Inc.	ca-pub- 836367084 9262616	nnfnbbvqo6vh@contactp rivacy.email
3	cinepinoy.lol	N/A	N/A	contact@privacyprotect.o rg
3	cinepinoy.ag	N/A	N/A	contact@domainprivacyp rotect.info
3	pinoyflix.ag	N/A	N/A	contact@privacyprotect.o rg
3	pinoyflix.lol	N/A	N/A	4a3ad9e50259ad2682008 0a38af7651a- 2628172@contact.gandi. net
4	cinezen.me	adskeeper.co.uk, Hardware Solution Limited	cinezen.me .122875	4a3ad9e50259ad2682008 0a38af7651a- 2628172@contact.gandi. net
4	cinezen.me	popads.net, Tomksoft S.A.	N/A	4a3ad9e50259ad2682008 0a38af7651a- 2628172@contact.gandi. net
5	dramaschools.com	Google AdSense Google, Inc.	ca-pub- 236765888 3843972	payments@pakihosting.c om
6	dramasget.com	revcontent.com, Revcontent, LLC	N/A	dramasget.com@domain sbyproxy.com
7	ebenta.info	Google AdSense Google, Inc.	ca-pub- 217934492 4741603	ebenta.info@domainsbyp roxy.com

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Def . No.	Subject Domain Name	Advertising Service/Platform	Account Identifier	Associated E-mail Address(es)
8	frugalpinoytv.org	popads.net, Tomksoft S.A.	var pmauid = '32157'; var pmawid = '30857';	thefrugalpinoytv@gmail.com
9	lambingan.cn	h12-media.com, H12 UK LTD	N/A	admin@nicenic.net
10	lambingan.io	adskeeper.co.uk, Hardware Solution Limited	lambingan.io.123723	N/A
10	lambingan.io	popads.net, Tomksoft S.A.	N/A	N/A
10	pinoylambingan.ph	Redirects to lambingan.io	N/A	dol...@...
11	lambingans.net	Google AdSense Google, Inc.	ca-pub-1865856426290995	usaking73@gmail.com
12	latestpinoymovies.com	Google AdSense Google, Inc.	ca-pub-6712270727944137	86bc3894580e4338b4ef958efee7669a.protect@whoisguard.com
13	pinasnews.net	popads.net, Tomksoft S.A.	N/A	contact@privacyprotect.org
14	pinastv replay.com	popads.net, Tomksoft S.A.	N/A	contact@privacyprotect.org
15	pinoybay.ch	N/A	N/A	N/A
16	pinoychannel.me	revcontent.com, Revcontent, LLC	N/A	sakhani@live.com
17	pinoydailyshows.com	Google AdSense Google, Inc.	ca-pub-6409372530626142	rajaraveendrareddy.perram@gmail.com
18	pinoyplayback.net	Google AdSense Google, Inc.	ca-pub-1714538266441049	contact@privacyprotect.org
19	pinoytvshows.net	Redirects to pinoytv-shows.net	N/A	fahimtaunsvi@gmail.com

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Def . No.	Subject Domain Name	Advertising Service/Platform	Account Identifier	Associated E-mail Address(es)
19	pinoytv-shows.net	Google AdSense Google, Inc.	ca-pub-167737556 2727935	herpalasif@gmail.com
20	rondownload.net	bidvertiser.com, Bpath, LTD.	pid=41390 7&bid=150 0012	D6A727F1133F4661B96 CB83A5B2C9F20.PROT ECT@WHOISGUARD. COM
21	sarapmanood.com	Google AdSense Google, Inc.	ca-pub-310211482 6829472	e14fcd7e4f2543eaac7ebe baf643d10e.protect@wh oisguard.com
22	tambayanshow.net	adnow.com, Adnow LLP	340913	contact@privacyprotect.o rg
22	tambayanshow.net	popads.net, Tomksoft S.A.	N/A	contact@privacyprotect.o rg
23	thelambingan.com	mgid.com, MGID Inc. MGID UA	N/A	apnapakforum@gmail.co m apakforum@gmail.com
23	lambingans.com	mgid.com, MGID Inc. MGID UA	N/A	dbjeet@gmail.com
23	thepinoy1tv.me	popads.net thepinoy1tv.me, Tomksoft S.A.	N/A	apnapakforum@gmail.co m
23	thepinoytv.com	mgid.com, MGID Inc. MGID UA geniee.co.jp Geniee Inc. Geniee Internationale Pte., Ltd. Geniee International, Inc.	N/A	contact@privacyprotect.o rg
23	pinoytv.ph	geniee.co.jp Geniee Inc. Geniee Internationale Pte., Ltd. Geniee	N/A	apn...@...

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Def . No.	Subject Domain Name	Advertising Service/Platform	Account Identifier	Associated E-mail Address(es)
		International, Inc.		
24	tvnijuan.org	mgid.com, MGID Inc. MGID UA	N/A	fastchannels@gmail.com
25	tvambayan.org	mgid.com, MGID Inc. MGID UA	N/A	tvambayan.org@domain sbyproxy.com
26	vianowpe.com	Google AdSense Google, Inc.	ca-pub- 707576795 0562858	johnweston772@gmail.c om
27	weeklywarning.org	Redirects to weeklywarning.co m	N/A	shankarr1555@gmail.co m
27	weeklywarning.co m	popads.net, Tomksoft S.A.	N/A	ultimategangster1993@g mail.com