

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

AMERICAN CHEMICAL SOCIETY,

Plaintiff,

v.

SCI-HUB d/b/a WWW.SCI-HUB.CC,
JOHN DOES 1-99,

Defendants.

No. 1:17-cv-00726-LMB-JFA

[PROPOSED] ORDER

This action comes before the Court on Plaintiff American Chemical Society's ("ACS") Motion for Default Judgment. Having reviewed the Motion and the supporting documentation and determined that: (i) this Court has jurisdiction and service upon Defendant Sci-Hub d/b/a www.sci-hub.cc ("Sci-Hub") was proper; (ii) the First Amended Verified Complaint ("FAVC") alleges facts establishing all of the necessary elements Plaintiff ACS's claims for copyright infringement and trademark counterfeiting; and (iii) Defendant Sci-Hub has infringed upon ACS's copyrighted works and trademark rights and its likely to continue to infringe upon ACS's copyrighted works and trademark rights in the absence of an injunction, it is hereby:

ORDERED that Plaintiff's Motion for Default Judgment shall be, and hereby is, GRANTED; and it is further

ORDERED that judgment is ENTERED by default in favor of Plaintiff ACS and against Defendant Sci-Hub on Counts I (Copyright Infringement) and III (Trademark Counterfeiting) of the FAVC; and it is FURTHER

ORDERED that Defendant Sci-Hub, together with its officers, directors, principals, agents, servants, employees, successors and assigns, and all those in active concert or participation with them, are jointly and severally enjoined from:

a. Copying, distributing, altering, displaying, hosting, selling and/or promoting any works registered to Plaintiff ACS with the United States Copyright Office (“ACS’s Copyrighted Works”), including but not limited the works identified on Exhibit E to the FAVC;

b. Using any copy or colorable imitation of a mark registered to Plaintiff ACS with the United States Patent and Trademark Office (the “ACS Marks”), including but not limited the marks identified on Exhibit F to the FAVC, in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, printing, importation, production, circulation, or distribution of any product or service, in such fashion as to relate or connect such product in any way to ACS, or to any goods sold, manufactured, sponsored, approved by, or connected with ACS; and

c. Engaging in any other activity constituting an infringement of the ACS Marks or ACS’s Copyrighted Works, or constituting any damage to ACS’s name, reputation, or goodwill; and it is FURTHER

ORDERED that any person or entity in privity with Defendant Sci-Hub and with notice of the injunction, including any Internet search engines, web hosting and Internet service providers, domain name registrars, and domain name registries, cease facilitating access to any or all domain names and websites through which Defendant Sci-Hub engages in unlawful access to, use, reproduction, and distribution of the ACS Marks or ACS’s Copyrighted Works; and it is FURTHER

ORDERED that the domain name registries and/or registrars for Defendant Sci-Hub’s

domain names and websites, or their technical administrators, shall place the domain names on registryHold/serverHold or such other status to render the names/sites non-resolving; and it is

FURTHER

ORDERED that Defendant Sci-Hub shall pay to Plaintiff ACS statutory damages pursuant to 17 U.S.C. § 504(c) in an amount equal to \$4,800,000.00; and it is FURTHER

ORDERED that Defendant Sci-Hub shall pay to Plaintiff ACS pre-judgment interest and post-judgment interest on the above damages awards; and it is FURTHER

ORDERED that Counts II (Contributory Copyright Infringement), IV (Trademark Infringement), and V (Conversion) against Sci-Hub are dismissed without prejudice, and it is

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ORDERED that all claims against Defendants John Doe 1-99 are dismissed without prejudice.

The Clerk is DIRECTED to enter judgment in accordance with this Order, pursuant to Fed. R. Civ. P. 58, and to place this matter among the ended causes.

SO ORDERED this _____ day of _____, 2017.

Judge