

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

XCLUSIVE-LEE, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.: 19-cv-520
	:	
JELENA NOURA “GIGI” HADID,	:	COMPLAINT AND JURY
	:	DEMAND
Defendant.	:	
	:	
	:	

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, XCLUSIVE-LEE, INC. (“Xclusive” or “Plaintiff”), brings this complaint in the United States District Court for the Eastern District of New York against JELENA NOURA “GIGI” HADID (“Hadid” or “Defendant”), alleging as follows:

**PARTIES**

1. Xclusive is a New York Domestic Business Corporation with a principal place of business in Rego Park, New York.
2. Hadid is an American fashion model. In 2016, Hadid was named International Model of the Year by British Fashion Council. Hadid has modeled for Versace, Chanel, Elie Saab, Fendi, Marc Jacobs, Anna Sui, Miu Miu, Balmain, Diane Von Furstenberg, Tommy Hilfiger, Fenty, Puma, Isabel Marant, and Giambattista Valli. Hadid has also starred in advertising campaigns for Guess, Versace, Penshoppe, Balmain F/W 2015, Topshop, Max Mara, and Stuart Weitzman. Hadid has appeared on the covers of magazines such as *Vogue* (United States, Paris, Italy, Britain, Japan, Spain, Australia, Brazil, the Netherlands, Germany, Italy,

China), *Schön!*, *Numéro*, *Allure*, *W Magazine* and *Teen Vogue* as well as *WSJ Magazine*, *Elle Canada*, *Dazed* and *Harper's Bazaar*.<sup>1</sup> Hadid maintains and is personally responsible for her official Instagram account, which has over 44 million followers worldwide. Hadid resides in New York, New York.

### JURISDICTION AND VENUE

3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
5. Defendant is subject to personal jurisdiction in New York.
6. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Plaintiff resides in this district, and Defendant is subject to personal jurisdiction in this district.
7. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a). This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

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<sup>1</sup> [https://en.wikipedia.org/wiki/Gigi\\_Hadid](https://en.wikipedia.org/wiki/Gigi_Hadid)

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

8. Xclusive is the copyright holder of “Gigi Hadid on Oct 11, 2018” (“Copyrighted Photograph”), which was captured on October 11, 2018 in New York City. [Exhibit 1].
9. On October 12, 2018, Hadid copied and uploaded Copyrighted Photograph to Hadid’s Instagram account.
10. As a result of Hadid’s actions described in Paragraph 11, Copyrighted Photograph was posted and publicly displayed to the following URLs:
  - [www.instagram.com/gigihadid/?hl=en](http://www.instagram.com/gigihadid/?hl=en). (Last visited October 15, 2018) [Exhibit 3]
  - [www.instagram.com/p/Boz7ASBHBDt/?hl=en&taken-by=gigihadid](http://www.instagram.com/p/Boz7ASBHBDt/?hl=en&taken-by=gigihadid) (Last visited October 15, 2018). [Exhibit 4]. (together “Instagram Posts”)
11. Hadid copied and posted Copyrighted Photograph to Hadid’s Instagram account without license or permission from Xclusive.
12. Hadid’s Instagram account is followed by more than forty-three million (43,000,000) individuals throughout the world. [Exhibit 4].
13. More than 1.6 million (1,600,00) followers commented on Instagram Posts within four days of October 12, 2018. [Exhibit 4].
14. Prior to October 12, 2018, Hadid had first-hand knowledge that copying and posting photographs, of herself or other subject matters, to her Instagram or other social media accounts that she did not properly license or otherwise receive permission from the copyright holder constituted copyright infringement.
15. Specifically, Hadid was named as a defendant and served with a copy of a complaint and summons in a suit alleging copyright infringement, *Peter Cepeda v. Jelena Noura “Gigi” Hadid and IMG Worldwide, Inc.*, 1:17-cv-00989-LMB-MSN (E.D. Va.) (2017).

16. Although the case was settled prior to the discovery stage of litigation, the facts alleged in *Cepeda* are nearly identical to the facts alleged in the present case, including the allegation Hadid copied and posted Plaintiff Cepeda's copyrighted photograph (of Hadid on a public street in New York City) to Hadid's Instagram and Twitter accounts without license or permission from Cepeda.
17. As of the date of this filing, Hadid's Instagram account includes at least fifty (50) examples of uncredited photographs of Hadid in public, at press events, or on the runway. [Exhibit 5]. Most if not all of these photographs were posted by Hadid without license or permission from the copyright holder.

COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

18. Xclusive incorporates herein by this reference each and every allegation contained in each paragraph above.
19. Xclusive is the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Photograph, which is the subject of a valid and complete application before the United States Copyright Office for Certificate of Copyright Registration by the Register of Copyrights.
20. Among the exclusive rights granted to each Xclusive under the Copyright Act are the exclusive rights to reproduce and distribute the Copyrighted Photograph to the public.
21. Xclusive is informed and believes Hadid, without the permission or consent of Xclusive, copied and used Copyrighted Photograph on Hadid's Instagram account. In doing so, Hadid violated Xclusive's exclusive rights of reproduction and distribution. Hadid's actions constitute infringement of Xclusive's copyright and exclusive rights under copyright.
22. Xclusive is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Xclusive.
23. As a result of Hadid's infringement of Xclusive's copyright and exclusive rights under copyright, Xclusive is entitled to statutory damages, including any profits realized by Hadid attributable to the infringement, pursuant to 17 U.S.C. § 504 for Hadid's infringement of Copyrighted Photograph.

COUNT II: CONTRIBUTORY INFRINGEMENT

24. Xclusive is informed and believes that Hadid, without the permission or consent of Xclusive, knowingly made available Copyrighted Photograph to innumerable individuals and media outlets by posting Copyrighted Photograph to Hadid's 43 million (43,000,000) Instagram followers.
25. Xclusive is informed and believes that Hadid, without the permission or consent of Xclusive, had knowledge or reason to know of such contributory infringement.
26. As a result of Hadid's actions, Xclusive is entitled to actual damages or such other and further relief as is just and proper.

PRAYER FOR RELIEF

WHEREFORE, Xclusive prays for judgment against Hadid as follows:

- A. Declaring that Hadid's unauthorized conduct violates Xclusive's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Hadid, its officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Xclusive's Copyrighted Photograph without consent or otherwise infringing Xclusive's copyright or other rights in any manner;
- C. Ordering Hadid to account to Xclusive for all gains, profits, and advantages derived by Hadid by their infringement of Xclusive's copyright or such damages as are proper, and since Hadid intentionally infringed Xclusive's copyright, for the maximum allowable statutory damages for each violation;

- D. Awarding Xclusive actual and/or statutory damages for Hadid's copyright infringement in an amount to be determined at trial;
- E. Awarding Xclusive his costs, reasonable attorney's fees, and disbursements in this action, pursuant to 17 U.S.C. § 505; and
- F. Awarding Xclusive such other and further relief as is just and proper.

JURY DEMAND

Xclusive hereby demands a trial by jury on all claims for which there is a right to jury trial.

Respectfully submitted,

Dated: January 28, 2019

REESE LLP

/s/ Michael R. Reese

Michael R. Reese  
100 West 93<sup>rd</sup> Street, 16<sup>th</sup> Floor  
New York, New York  
Telephone: (212) 643-0500  
Facsimile: (212) 253-4272  
Email: [mreese@reesellp.com](mailto:mreese@reesellp.com)

- and -

David C. Deal  
The Law Office of David C. Deal, P.L.C.  
P.O. Box 1042  
Crozet, VA 22932  
Telephone: (434) 233-2727  
Facsimile: (888) 965-8083  
Email: [david@daviddeal.com](mailto:david@daviddeal.com)

*Counsel for Plaintiff*

# EXHIBIT 1





# EXHIBIT 2

<< Back

**Case Summary:**

**Case #:** 1-7053724741      **Type of Case:** Work of the Visual Arts      **Opened:** 10/19/2018  
**Title:** Gigi Hadid on Oct 11, 2018      **Contact Name:** I-Sheng Li  
**Fee Due:** 55.00      **Service Fee Paid:** 55.00      **Claim Status:** Pending

**Submit Your Work(s)**

To complete your submission, please submit the required copy(ies) of your work. You may (1) upload electronic files if the work meets the requirements; otherwise, you must (2) send the work by mail (do not do both).

1) Upload your work(s): Please perform the following steps for the case(s) in the table below.

Step 1: Click the "Select files to upload" button. Using your computer's browser, select your files for the corresponding work then click the "Start upload" button.

Step 2: After uploading all files for this work, click the corresponding "Complete Your Submission" button. Files cannot be uploaded later than 5 days after your first file is received.

**Please note: Files cannot be returned or deleted once uploaded. To avoid delays and/or a later effective date of registration, please verify the following before uploading a copy of your work(s):**

- It is a category of work that may be uploaded
- It is an acceptable file type
- It is an acceptable file size

**Upload Your Work(s)**

Case Details	Step 1: Select & Upload Files	Step 2: Complete Your Submission
<p><b>Case #:</b> 1-7053724741  <b>Title:</b> Gigi Hadid on Oct 11, 2018  <b>Volume:</b>  <b>Number:</b>  <b>Issue Date:</b>  <b>Type of Work:</b> Work of the Visual Arts</p>		<p>Claim submission completed; no further action required  <a href="#">Click here for more information</a>  <a href="#">View Uploaded File Names</a></p>

Comments	Activity Type	Status	Created
Submitted by GRADINGS on 10/19/2018	Upload Deposit	Received	10/19/2018 11:10:37 AM

**2) Send Your Work(s) by Mail:**

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip. Note: Your effective date of registration will be based on the date on which we receive the copies with corresponding shipping slips attached.

Click "Home" after uploading file(s) or printing shipping slip(s). You may verify the submission in the open Cases table on your eCO home page.

**Send Your Work(s) by Mail**

Attachment Name	File Type	Size	Date and Time	Comments
No Records				

<< Back

**Case Summary:**

**Case #:** 1-7053724741      **Type of Case:** Work of the Visual Arts      **Opened:** 10/19/2018  
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**Fee Due:** 55.00      **Service Fee Paid:** 55.00      **Claim Status:** Pending

# EXHIBIT 3

The screenshot shows the Instagram profile for Gigi Hadid (@gigihadid). The browser address bar at the top displays "https://www.instagram.com/gigihadid/?hl=en". The Instagram logo and a search bar are visible at the top of the page. The profile header includes a circular profile picture of Gigi Hadid, her name "gigihadid" with a verified badge, and a "Follow" button. Below the name, it shows "2,782 posts", "43.7m followers", and "896 following". Her bio identifies her as "Gigi Hadid", lists her agency "IMG Models Worldwide", her Twitter handle "@gigihadid", and her website "www.crowdrise.com/UNICEFuprooted". A row of seven circular icons represents her recent posts, with labels: "Fashion M...", "MESSIKA ...", "work / life", "days-off", "UNICEF", "GIGI for VEGGIE EYEWEAR", and "TOMMYxG...". Below the icons, there are two tabs: "POSTS" (selected) and "TAGGED". A grid of six post thumbnails is displayed, showing Gigi Hadid in various outfits and settings, including a denim suit, a blue blazer, a black fur coat, a pink outfit, and a shiny pink jumpsuit.

# EXHIBIT 4



Instagram

gigihadid [Follow](#)

2,782 posts 43.7m followers 896 following

Gigi Hadid  
@gigihadid [intoku]  
IMG Models Worldwide, twitter: gigihadid  
www.crowdrise.com/UNICEFuprooted

gigihadid all smiles post-#ForcesOfFashion panel @voguemagazine wearing #messikbygigihadid mini-cuffs and mono earring! @messikajewelry x

Load more comments

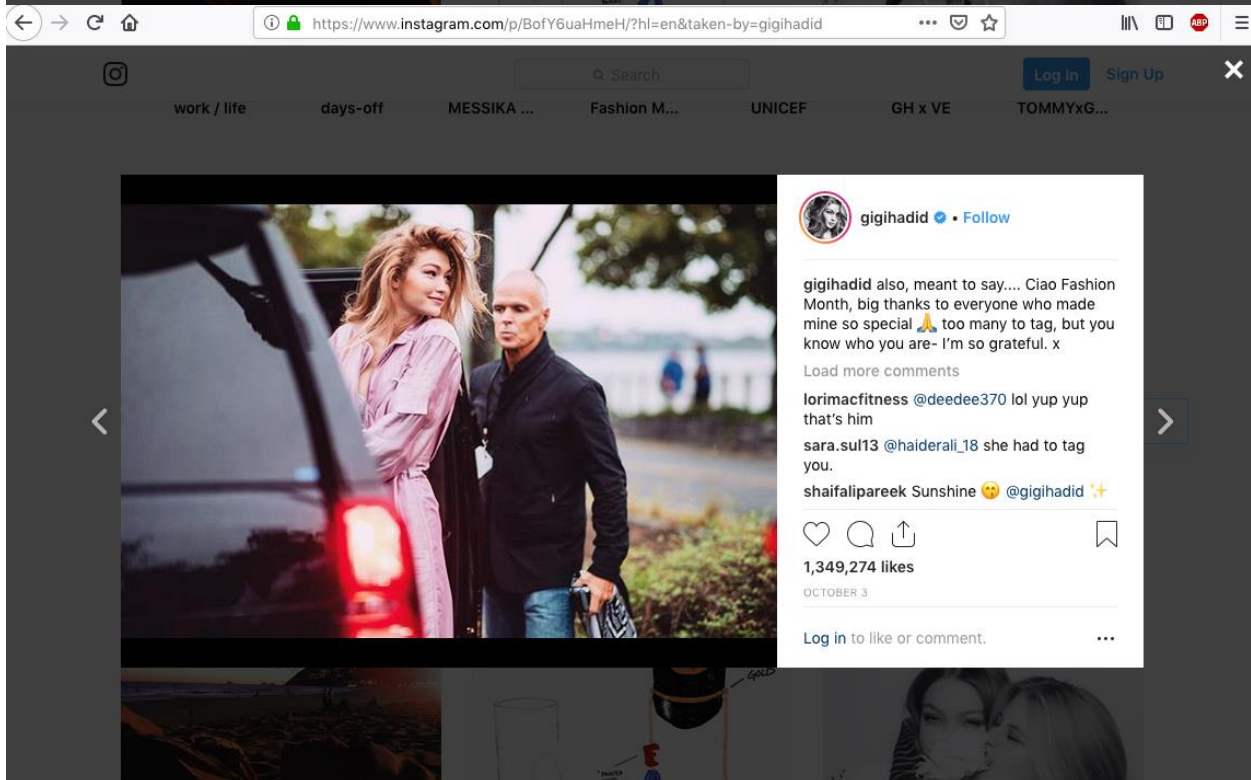
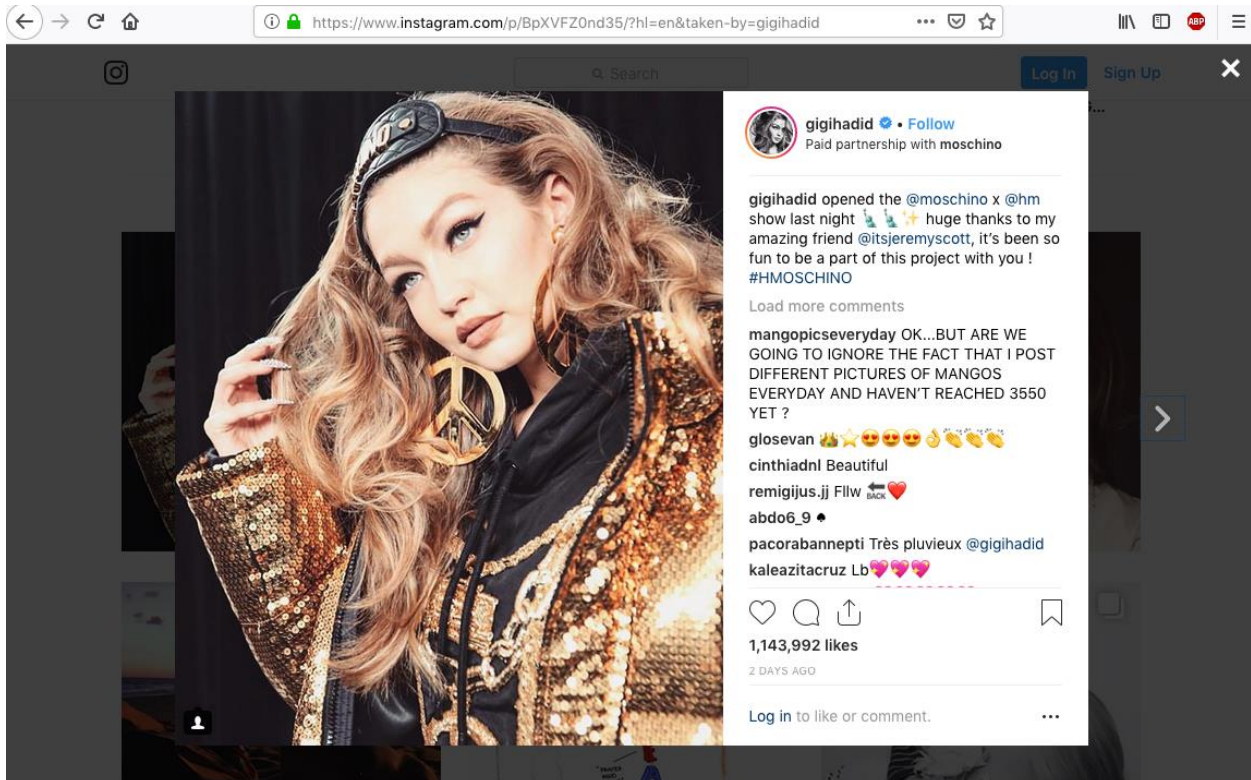
...nivin متابعي! شيف عيول رشوف الاستوري  
...هغه ويطبق الشروط @i\_2iu  
amalanirudh\_Love  
haaenchen Check out my new post  
haaenchen Check out my new post  
sandysmiami We love our clients so much  
aidalongstaff I love your smileeeee...BE YOURSELF  
a1\_\_81 Follow this please  
400k instgram @azoz7245  
elnazzjoon2 سكين چت دايركت  
lvnda raine I love

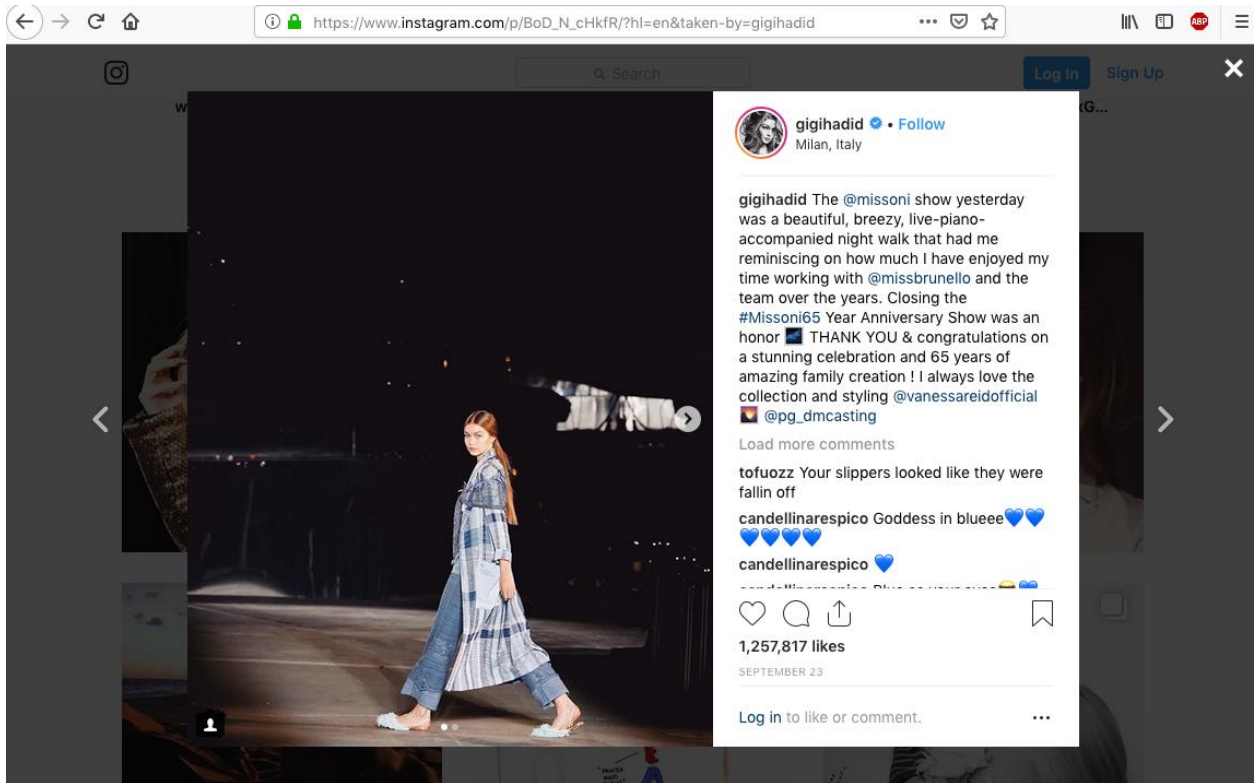
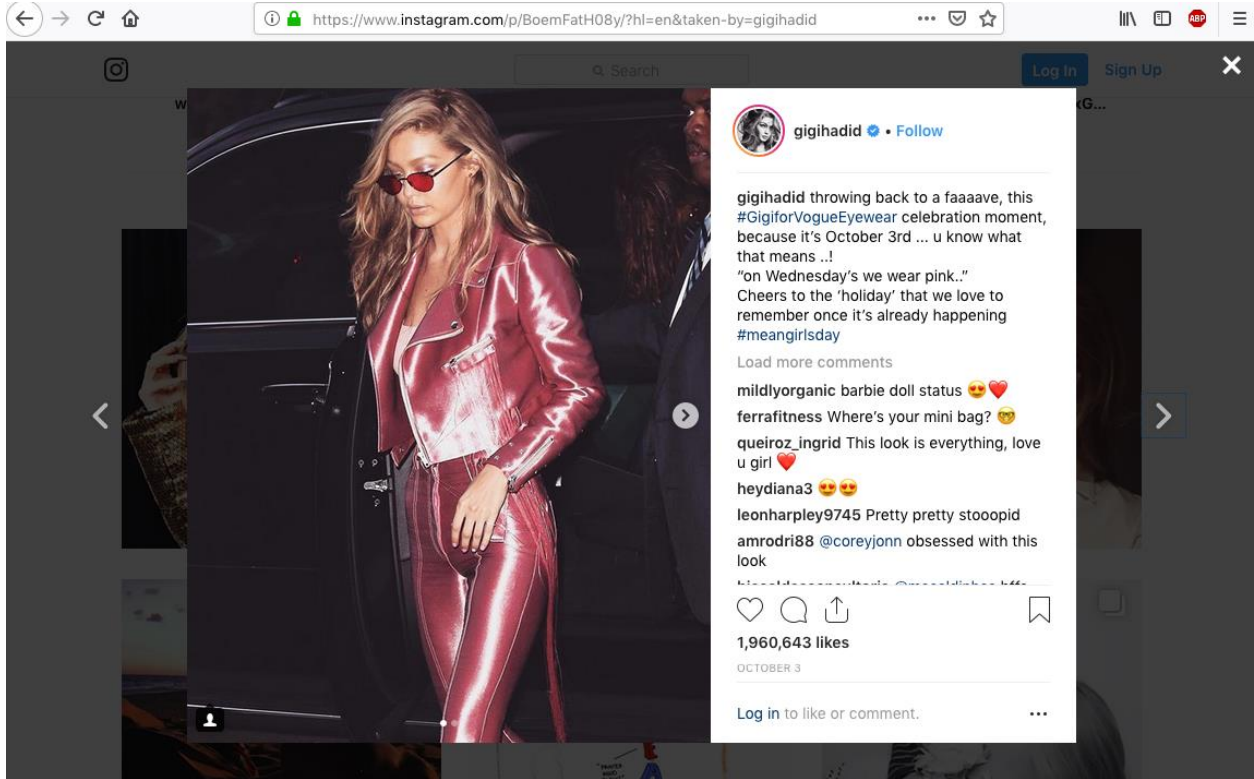
1,607,211 likes  
3 DAYS AGO

Log in to like or comment.

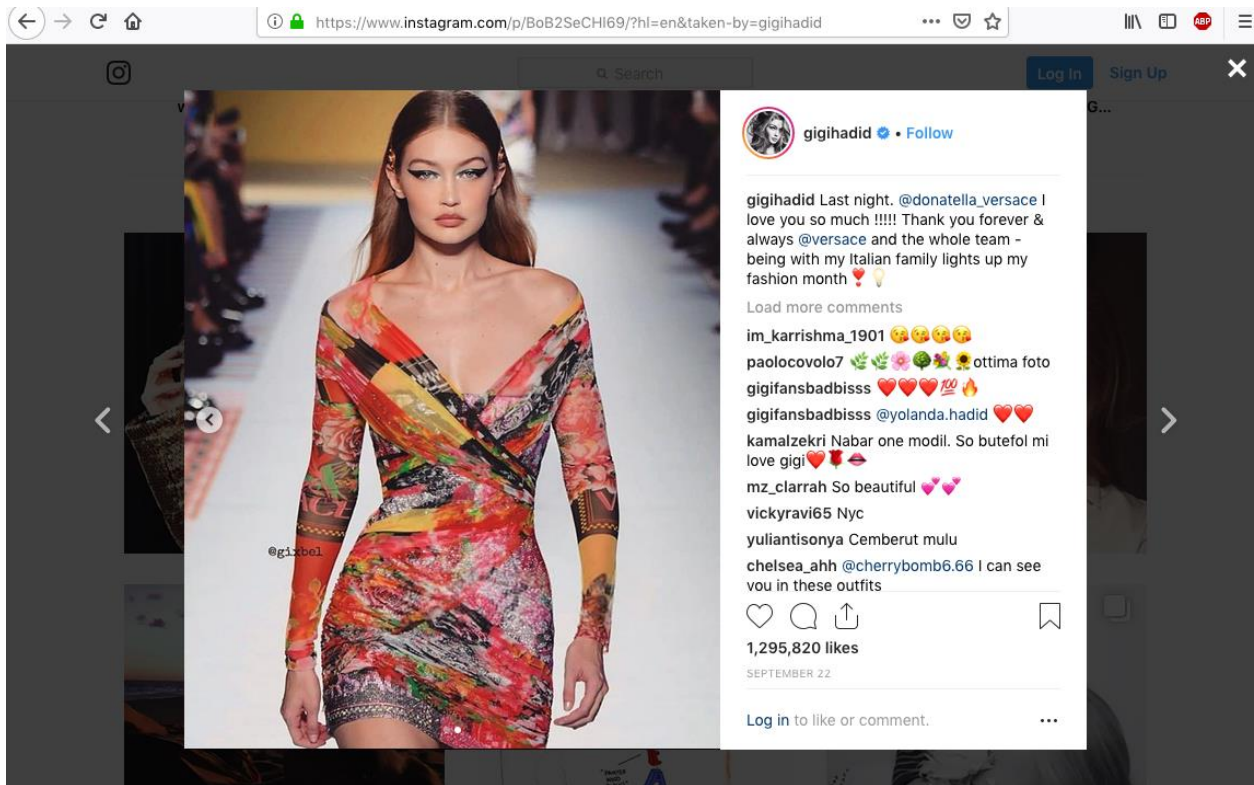
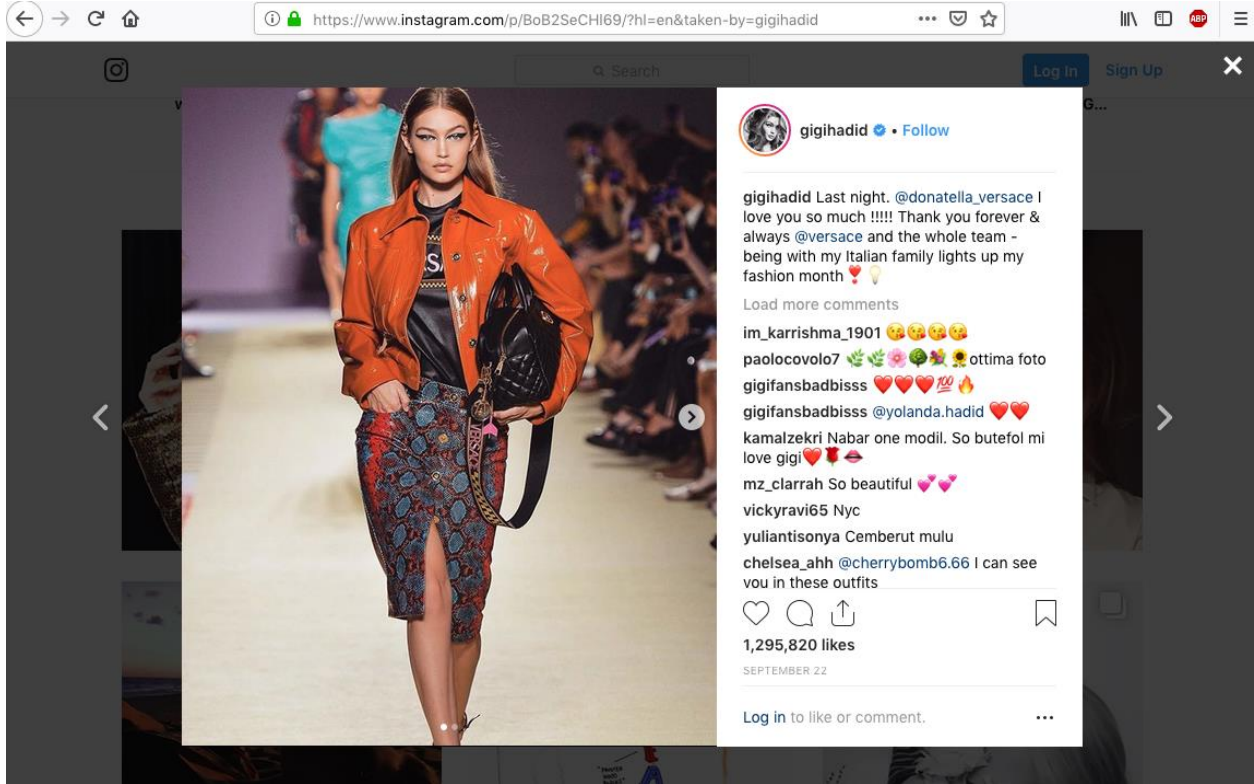
# EXHIBIT 5





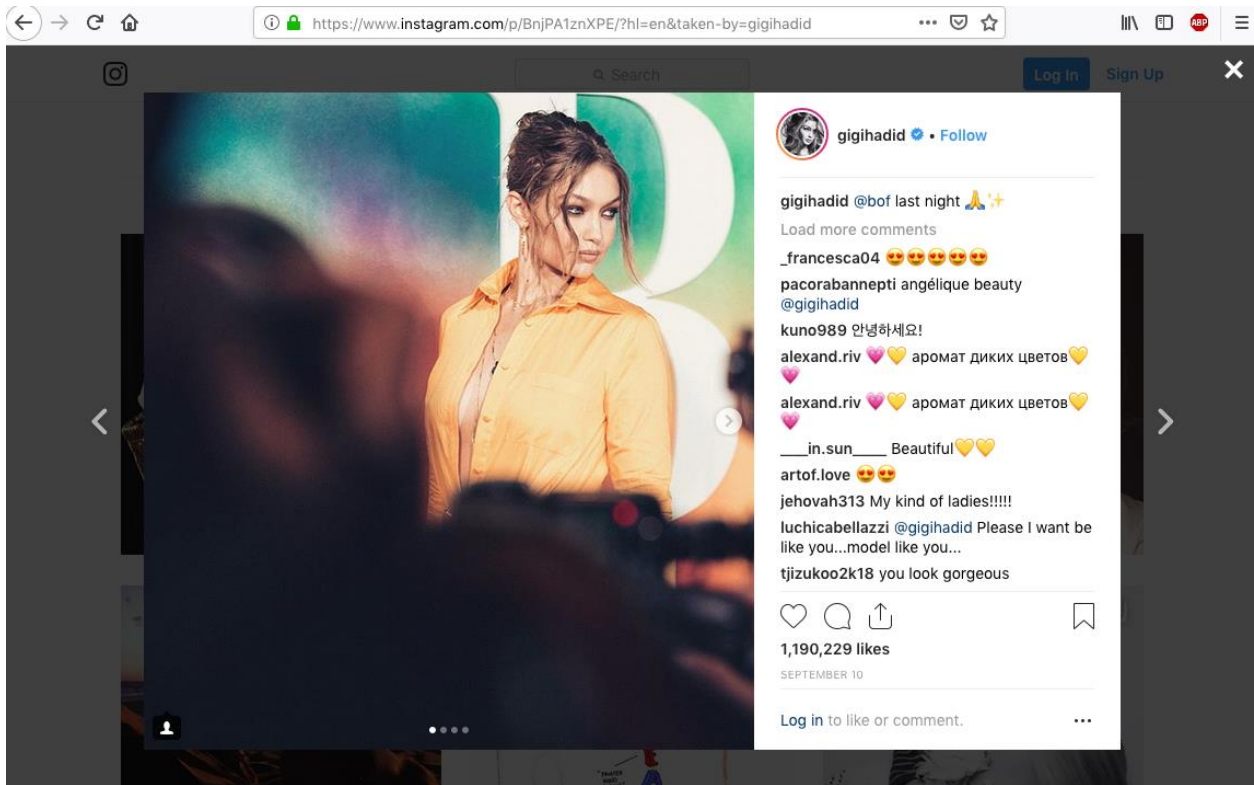


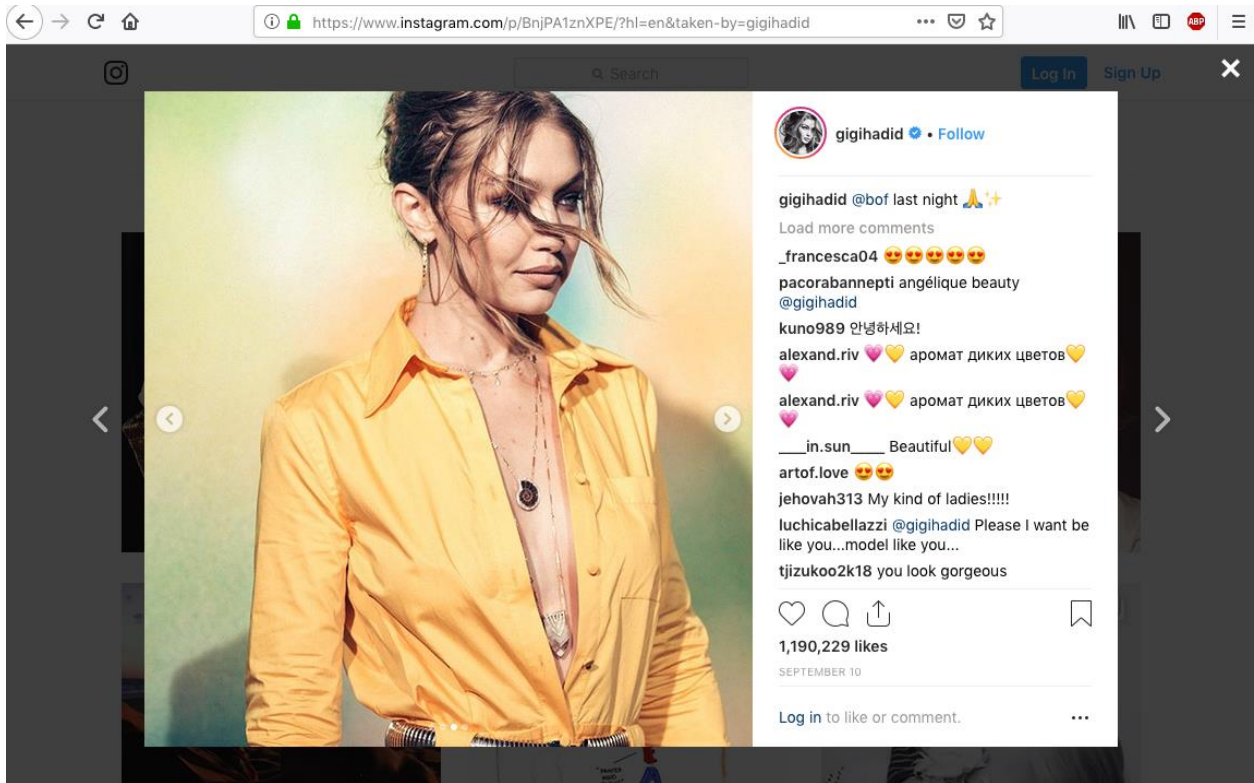
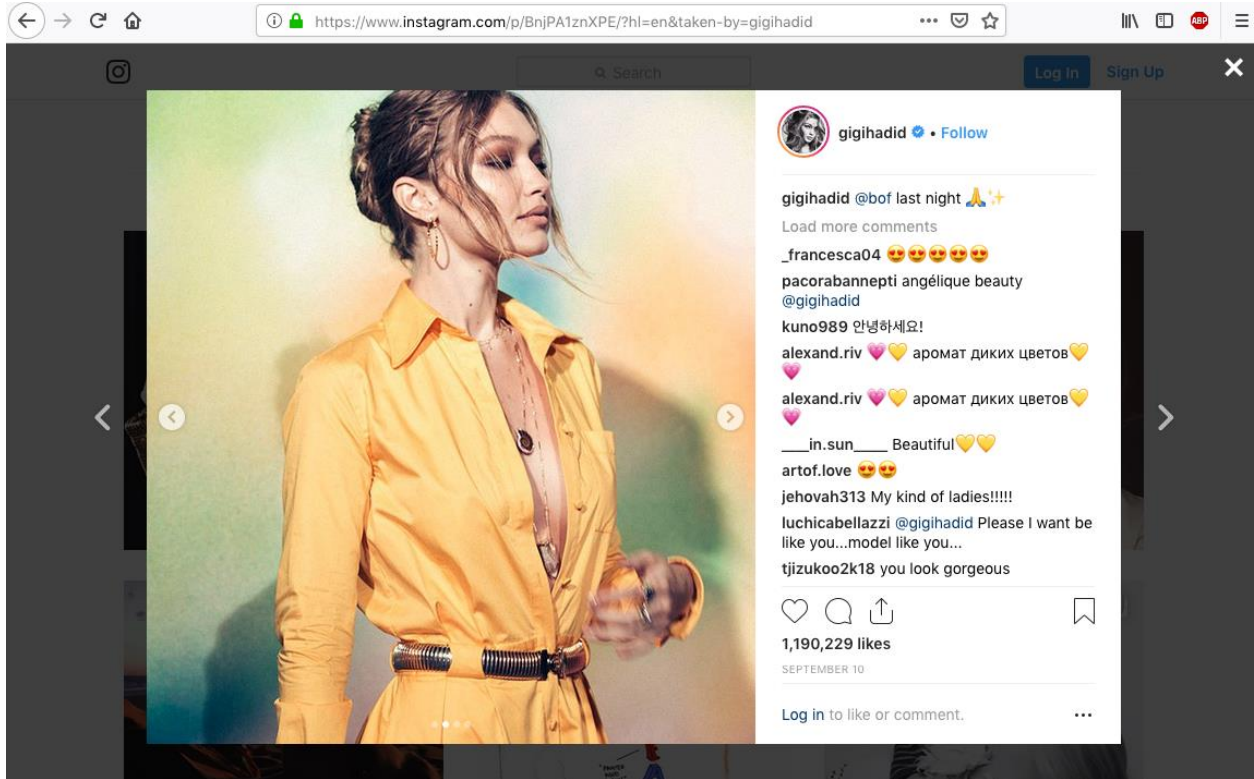




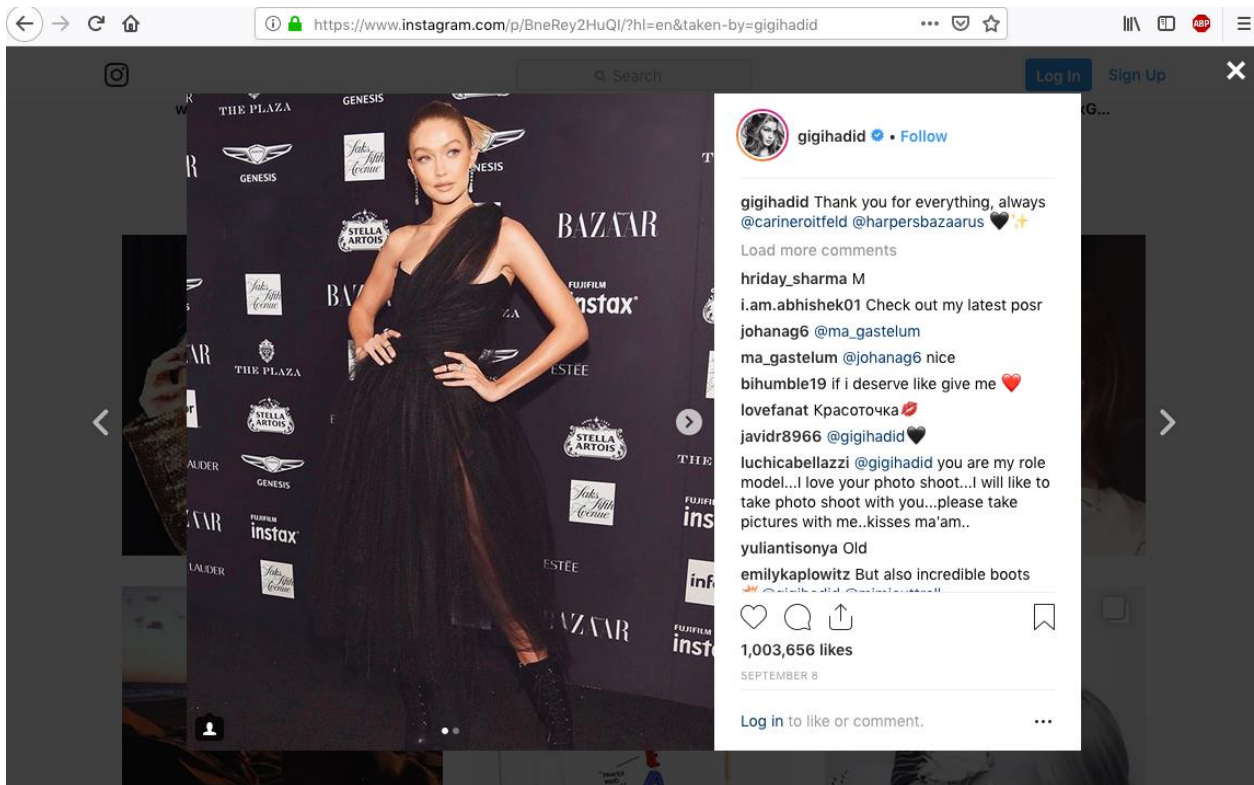
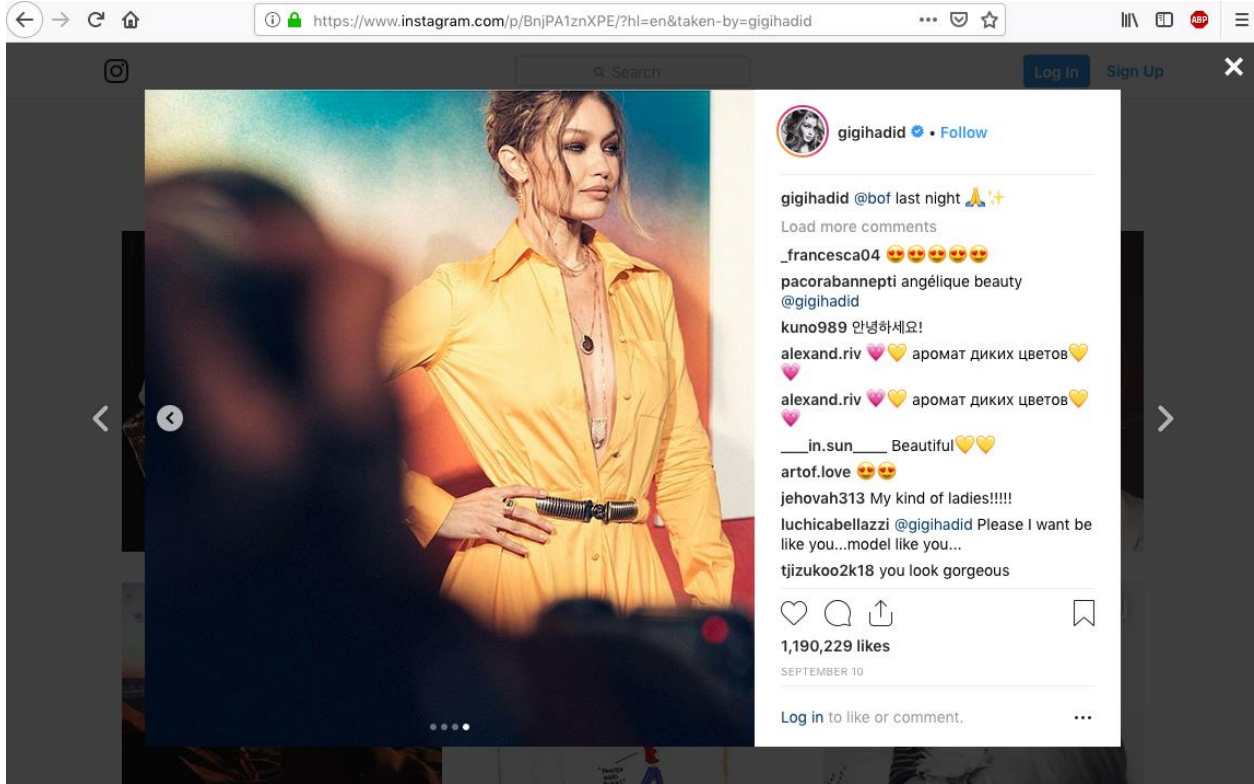


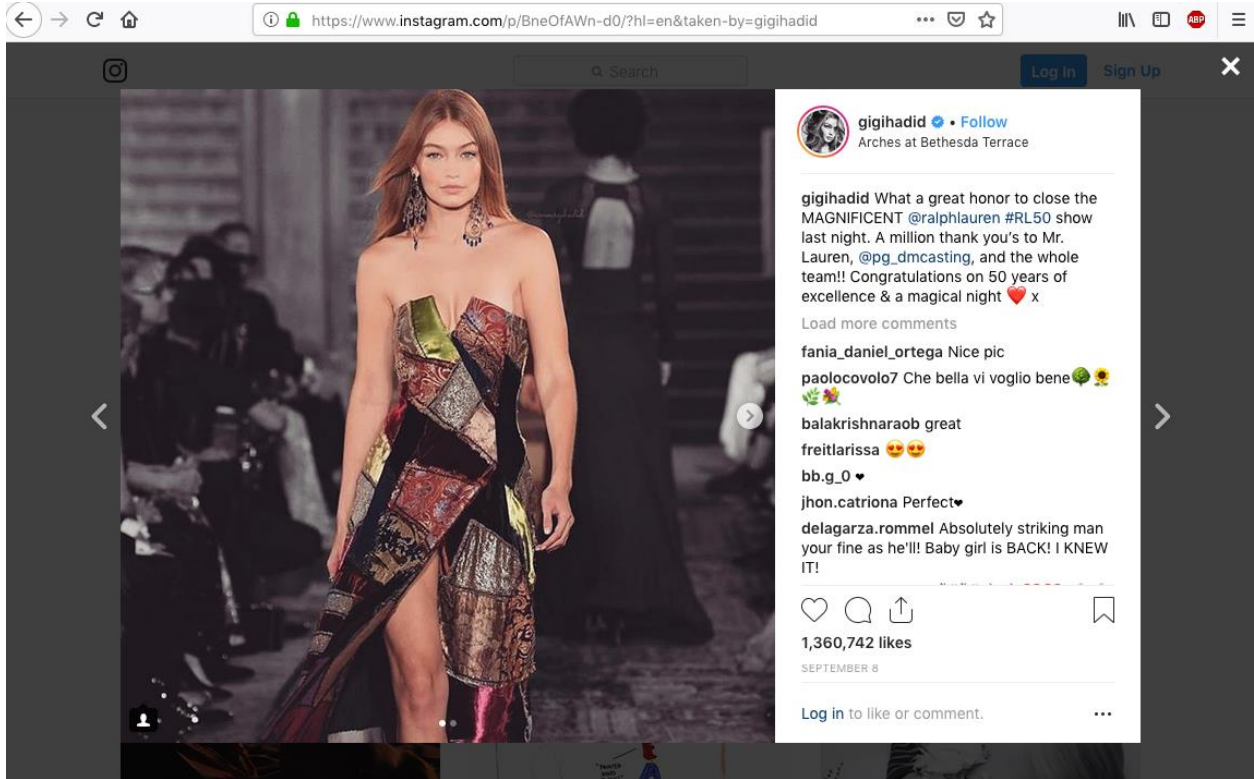




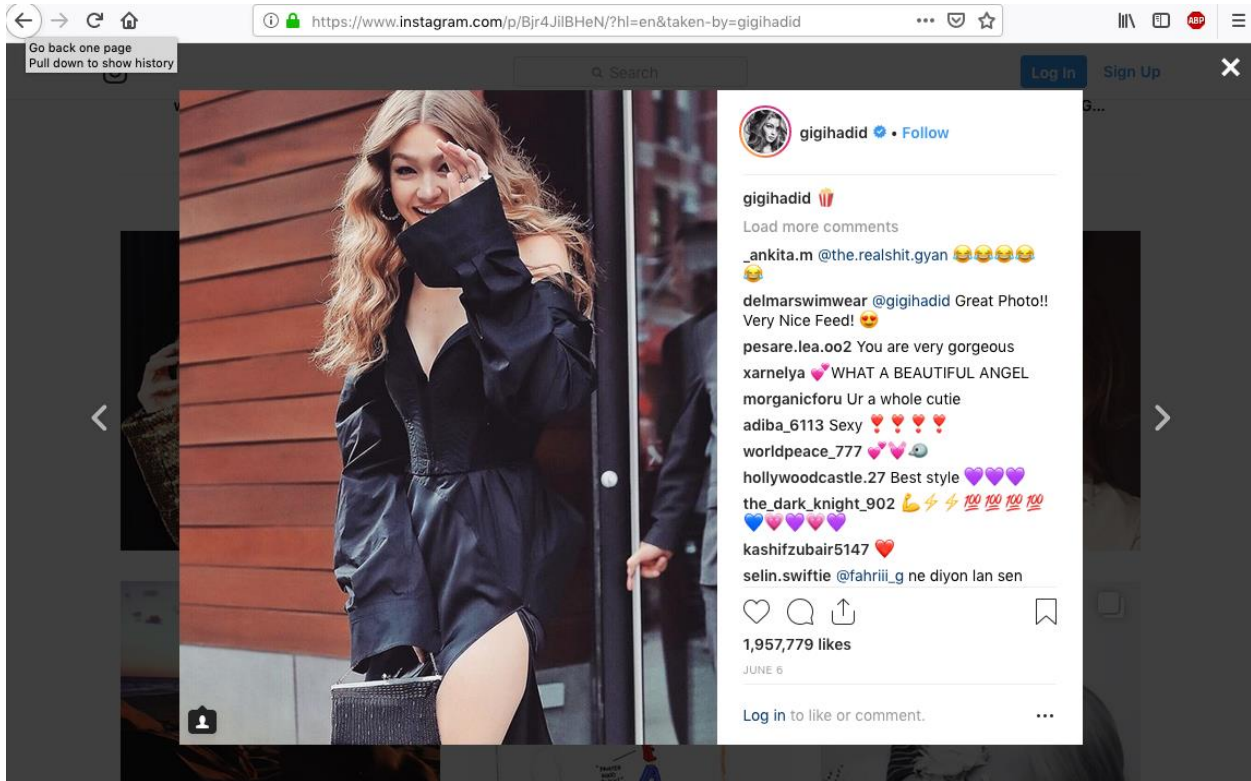
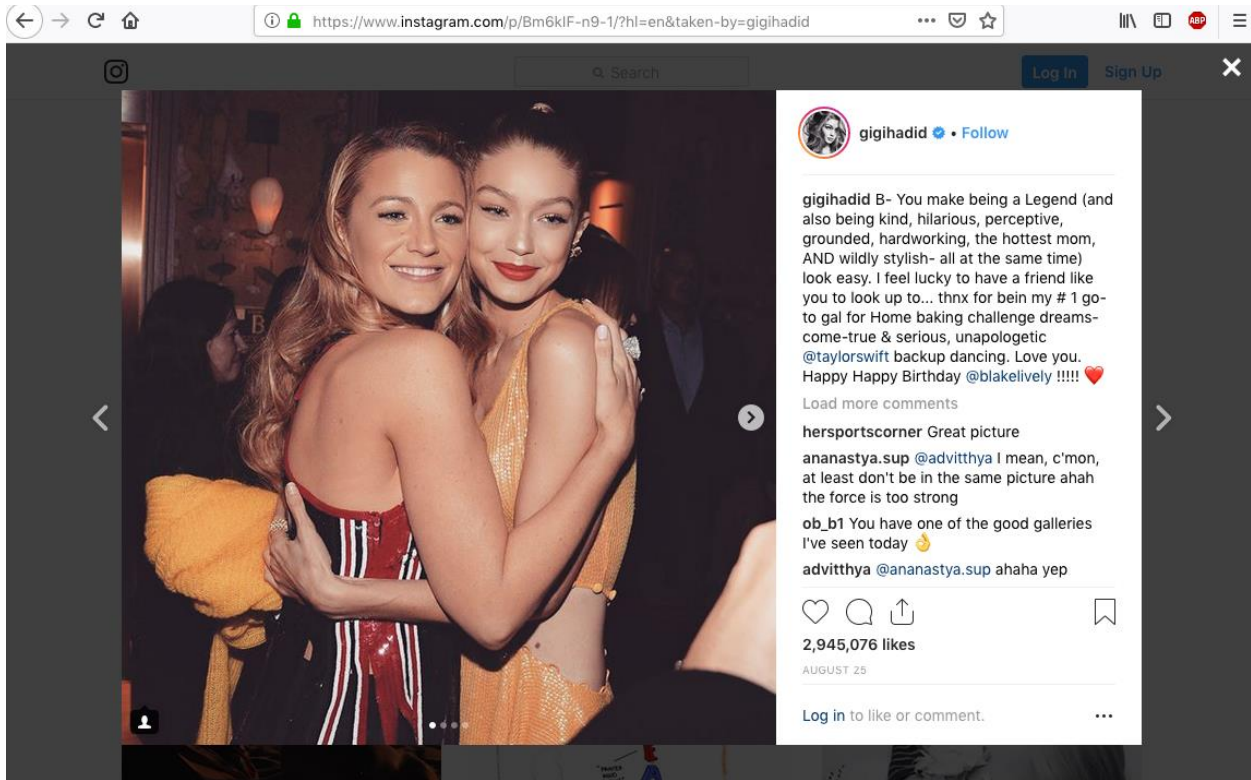


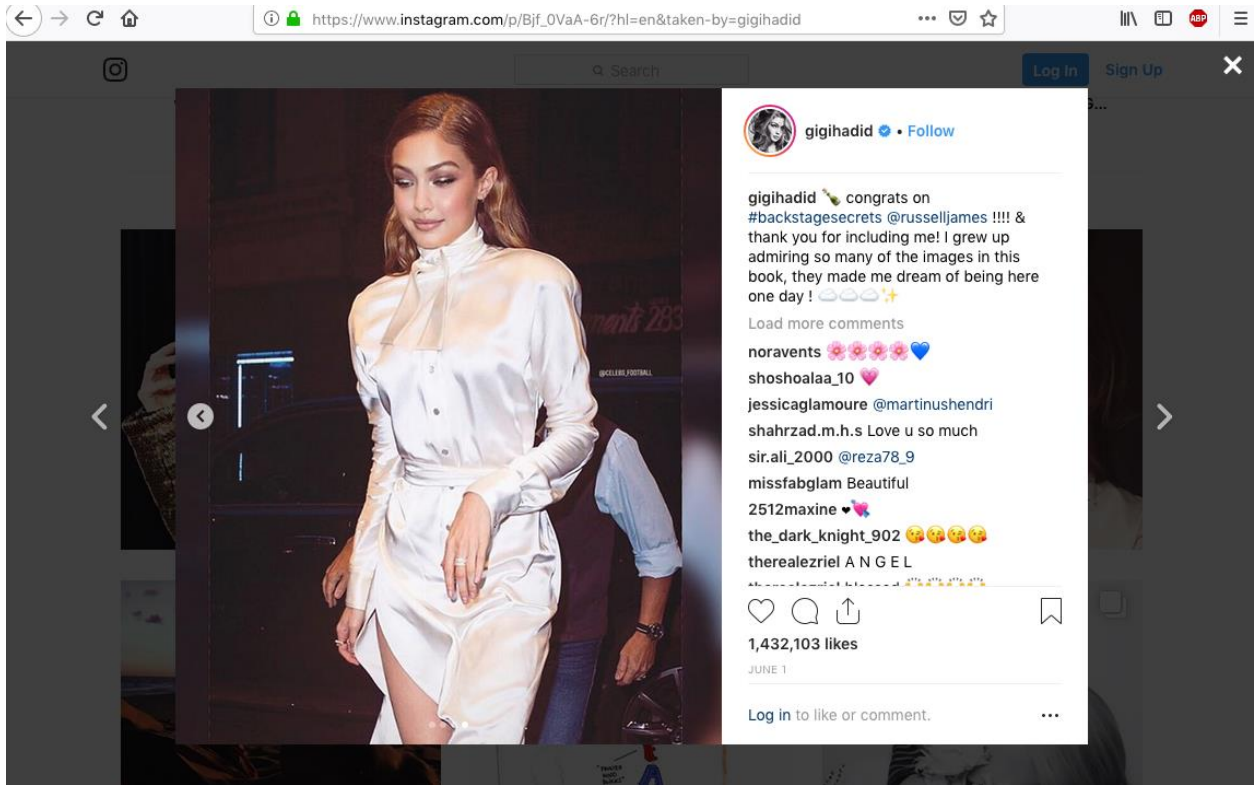












gigihadid • Follow

gigihadid 🌟 congrats on #backstagesecrets @russelljames !!!! & thank you for including me! I grew up admiring so many of the images in this book, they made me dream of being here one day! 🥰🥰🥰🥰🥰

Load more comments

noravents 🌸🌸🌸🌸💙

shoshoalaa\_10 💖

jessicaglamoure @martinushendri

shahrzad.m.h.s Love u so much

sir.ali\_2000 @reza78\_9

missfabglam Beautiful

2512maxine 💖💖

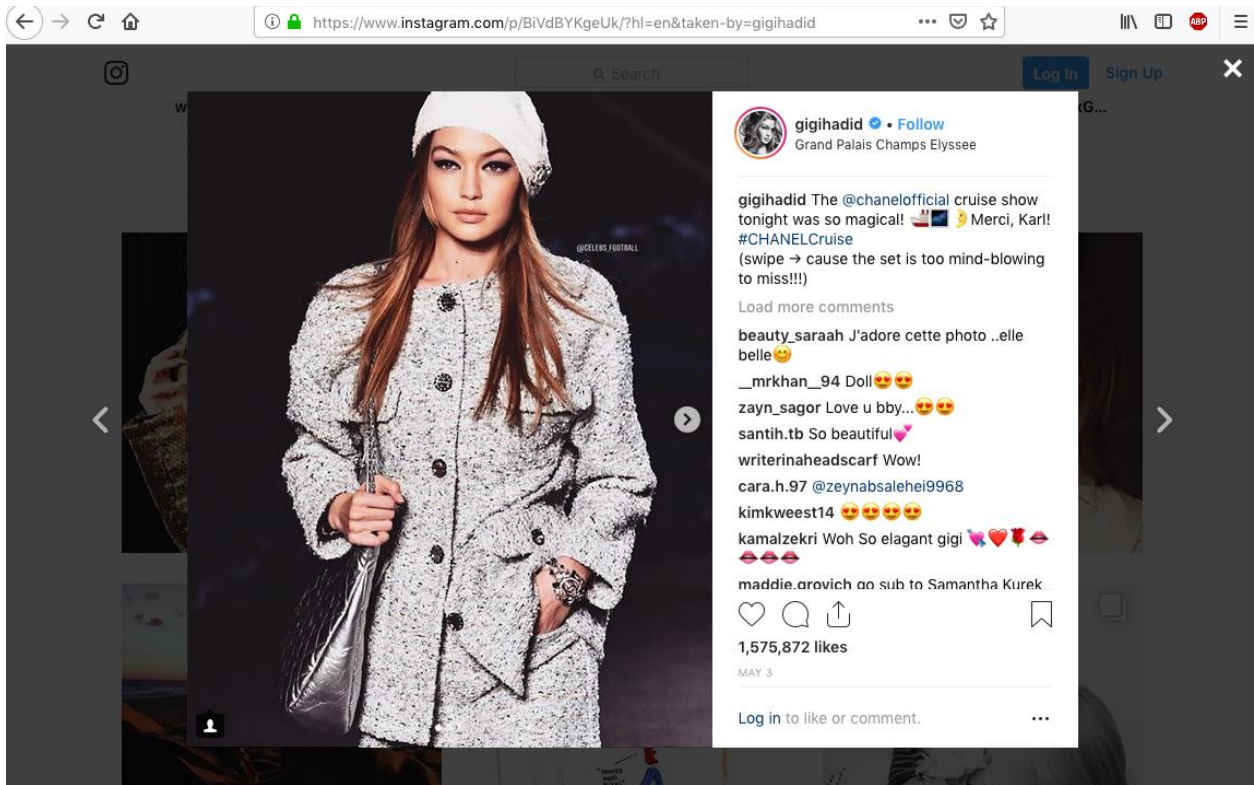
the\_dark\_knight\_902 🥰🥰🥰🥰

therealezriel A N G E L

1,432,103 likes

JUNE 1

Log in to like or comment.



gigihadid • Follow  
Grand Palais Champs Elysee

gigihadid The @chanelofficial cruise show tonight was so magical! 🇫🇷🇫🇷🇫🇷 Merci, Karl! #CHANELCruise (swipe → cause the set is too mind-blowing to miss!!!)

Load more comments

beauty\_saraah J'adore cette photo ..elle belle 😊

\_\_mrkhan\_94 Doll 🥰🥰🥰

zayn\_sagor Love u bby... 🥰🥰

santih.tb So beautiful 💖

writerinaheadscarf Wow!

cara.h.97 @zeynabsalehei9968

kimkweest14 🥰🥰🥰🥰

kamalzekri Woh So elegant gigi 💖💖💖💖

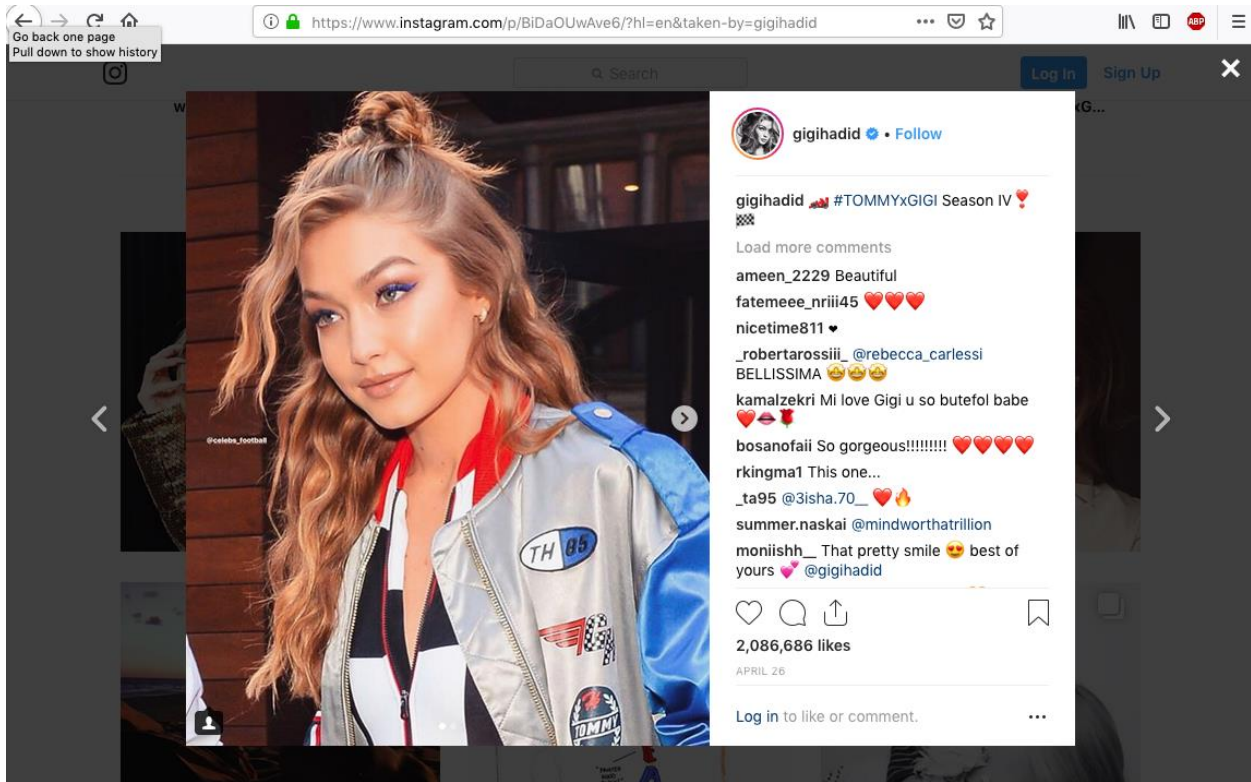
maddie.arovich go sub to Samantha Kurek

1,575,872 likes

MAY 3

Log in to like or comment.





Go back one page  
Pull down to show history

https://www.instagram.com/p/BiDaOUwAve6/?hl=en&taken-by=gigihadid

gigihadid • Follow

gigihadid 🍷 #TOMMYxGIGI Season IV 🍷

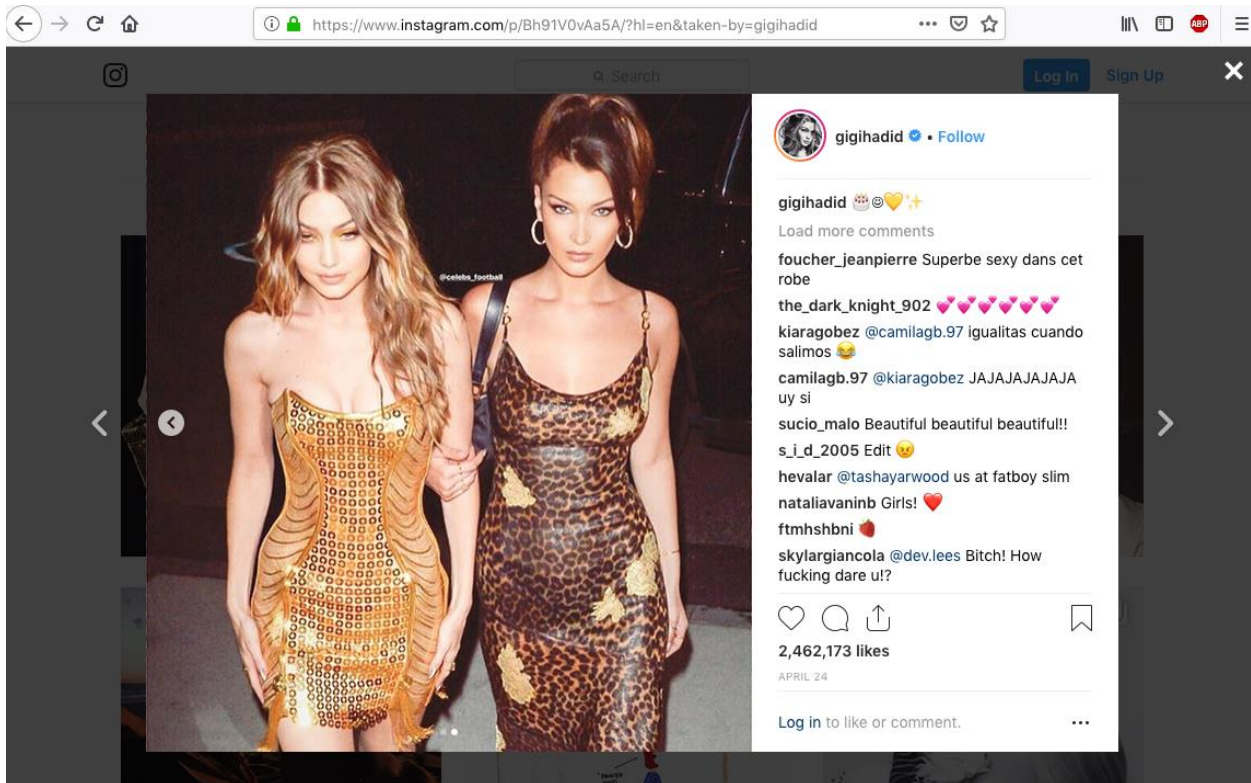
Load more comments

ameen\_2229 Beautiful  
fatemeee\_nrili45 ❤️❤️❤️  
nicetime811 ♡  
\_robertarossiii\_@rebecca\_carlessi  
BELLISSIMA 😍😍😍  
kamalzekri Mi love Gigi u so butefol babe  
❤️💋🔥  
bosanofaii So gorgeous!!!!!!! ❤️❤️❤️❤️  
rkingma1 This one...  
\_ta95 @3isha.70\_ ❤️🔥  
summer.naskai @mindworthatrillion  
moniishh\_ That pretty smile 😍 best of  
yours 💕 @gigihadid

2,086,686 likes

APRIL 26

Log in to like or comment.



https://www.instagram.com/p/Bh91V0vAa5A/?hl=en&taken-by=gigihadid

gigihadid • Follow

gigihadid 🍷💕👑👑

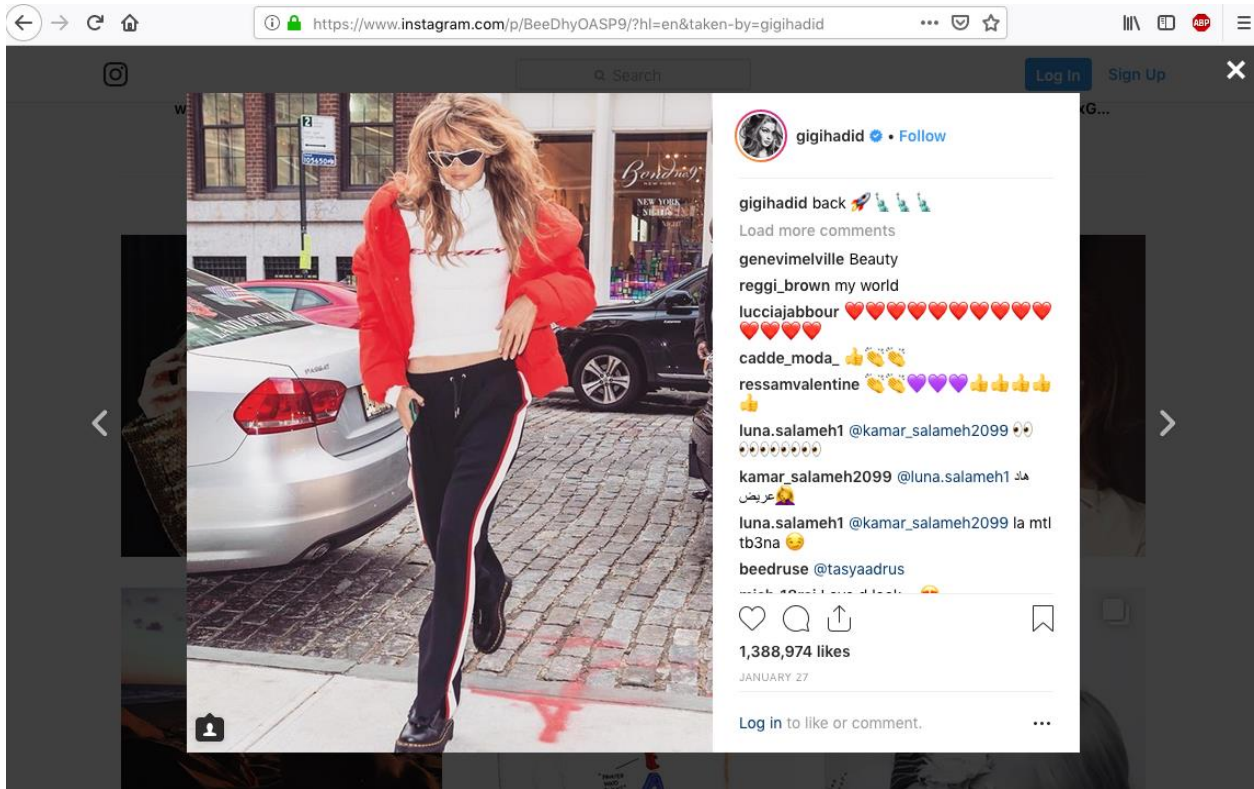
Load more comments

foucher\_jeanpierre Superbe sexy dans cet robe  
the\_dark\_knight\_902 💕💕💕💕💕💕💕💕  
kiaragobez @camilagb.97 igualitas cuando salimos 😍  
camilagb.97 @kiaragobez JAJAJAJAJAJA uy si  
sucio\_malo Beautiful beautiful beautiful!!  
s\_i\_d\_2005 Edit 😍  
hevalar @tashayarwood us at fatboy slim  
nataliavaninb Girls! ❤️  
ftmhshbni 🍷  
skylargiancola @dev.leees Bitch! How fucking dare u!?

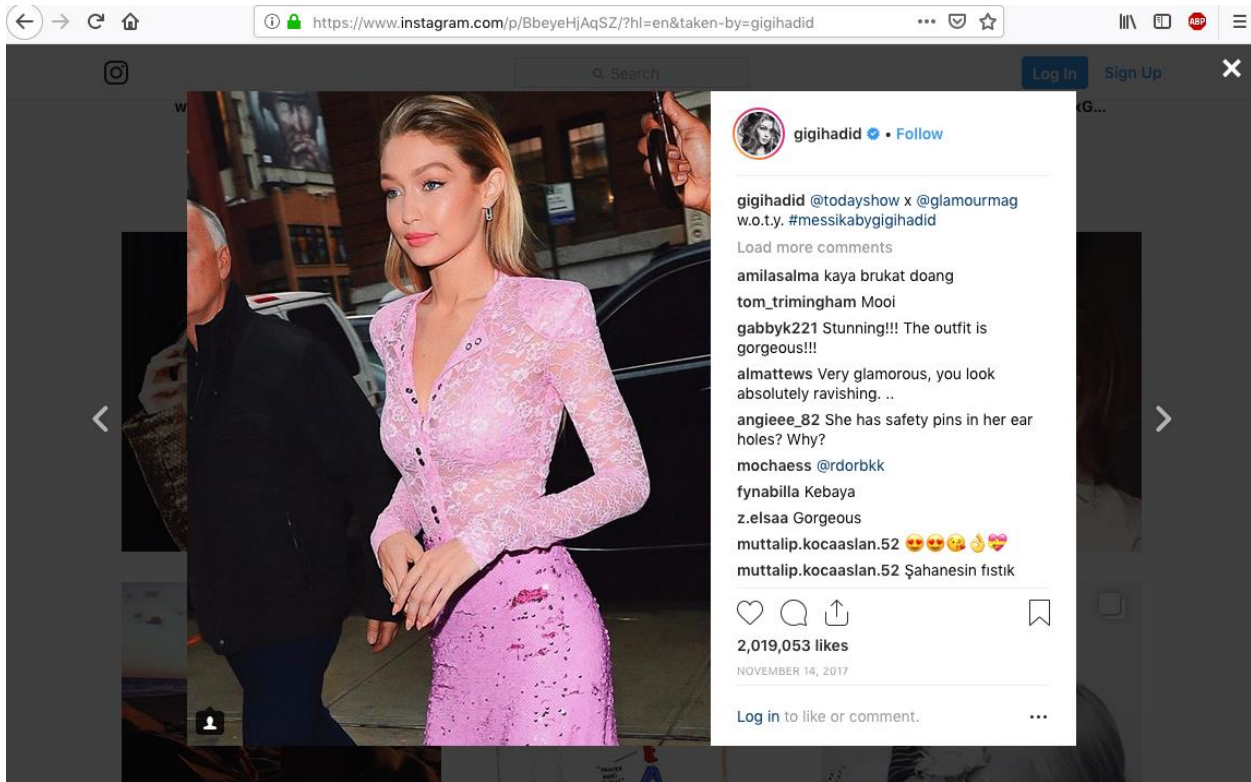
2,462,173 likes

APRIL 24

Log in to like or comment.







https://www.instagram.com/p/BbeyehJAqSZ/?hl=en&taken-by=gigihadid

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gigihadid @todayshow x @glamourmag w.o.t.y. #messikabygigihadid

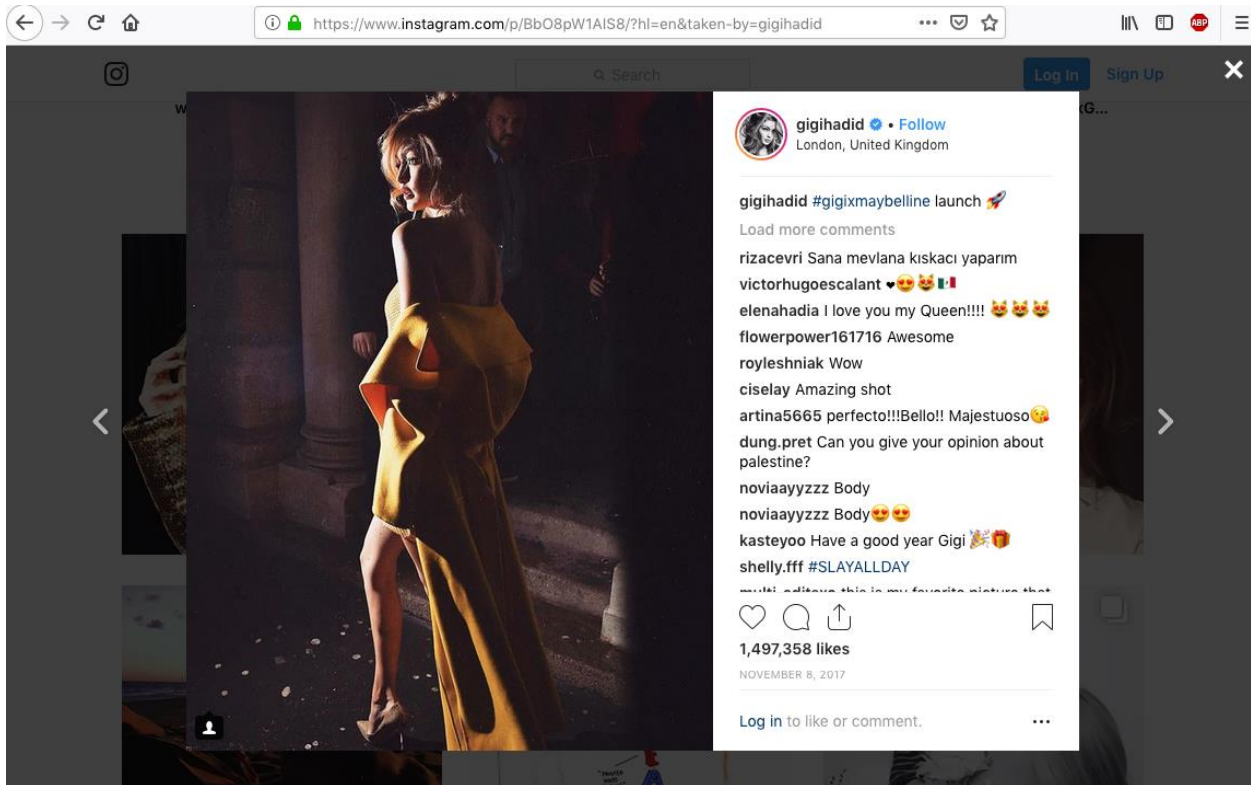
Load more comments

amilasalma kaya brukat doang  
tom\_trimmingham Mooi  
gabbyk221 Stunning!!! The outfit is gorgeous!!!  
almattews Very glamorous, you look absolutely ravishing. ...  
angieeee\_82 She has safety pins in her ear holes? Why?  
mochaess @rdorbkk  
fynabilla Kebaya  
z.elsaa Gorgeous  
muttalip.kocaaslan.52 🥰🥰🥰👏👏👏  
muttalip.kocaaslan.52 Şahanenin fistik

2,019,053 likes

NOVEMBER 14, 2017

Log in to like or comment.



https://www.instagram.com/p/BbO8pW1AIS8/?hl=en&taken-by=gigihadid

gigihadid • Follow  
London, United Kingdom

gigihadid #gigixmaybelline launch 🎉

Load more comments

rizacevri Sana mevlana kiskaci yaparim  
victorhugoescalant ♥️🥰🥰🇮🇹🇮🇹🇮🇹  
elenahadia I love you my Queen!!!! 🥰🥰🥰  
flowerpower161716 Awesome  
royleshniak Wow  
ciselay Amazing shot  
artina5665 perfect!!!Bello!! Majestuoso🥰  
dung.pret Can you give your opinion about palestine?  
noviaayzzz Body  
noviaayzzz Body 🥰🥰  
kasteyoo Have a good year Gigi 🎉🎉  
shelly.fff #SLAYALLDAY  
multi aditara this is my favorite picture that

1,497,358 likes

NOVEMBER 8, 2017

Log in to like or comment.

