

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PEDRO E. TORRES ROMÁN, an individual;
MARIO RESENDE GONZÁLEZ, an individual;
ANTONIO MOLL, an individual;

Plaintiffs,

v.

BENITO ANTONIO MARTÍNEZ OCASIO, an individual; RIMAS ENTERTAINMENT LLC, a Limited Liability Company; 200 CARRITOS LLC, a Limited Liability Company; NOAH ASSAD, HIS WIFE, JANE DOE AND THE ASSAD-DOE CONJUGAL PARTNERSHIP, INSURANCE COMPANIES A, B, C; and, DOES 1-10, inclusive;

Defendants.

Case No. 21-cv-1621 (ADC)

COPYRIGHT INFRINGEMENT

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Plaintiffs Pedro E. Torres Román, Mario Resende González and Antonio Moll (hereinafter collectively referred to as “Plaintiff Artists”), by and through their attorneys, Solid Rep LLC, for its Complaint against defendants Benito Antonio Martínez Ocasio (hereinafter “Bad Bunny”), Rimas Entertainment LLC, 200 Carritos LLC, Noah Assad, his wife, Jane Doe and the Assad Doe Conjugal Partnership, Insurance companies A, B, C and DOES 1-10 inclusive (hereinafter collectively referred to as “Defendants”), allege, on knowledge as to their own actions, and otherwise on information and belief, as follows:

I. PRELIMINARY STATEMENT

1. Plaintiff Artists come from humble backgrounds and have worked hard to study, develop and polish their artistic skills. They are acclaimed contemporary visual artists from Puerto

Rico who have displayed their art in museums and contributed to the street art scene all around the world by creating vibrant murals that cover dozens of buildings in Japan, Brazil, Cuba, Dominican Republic, France, Colombia, United States and Puerto Rico. Their art has increased the aesthetic appeal of communities and has particularly helped their Santurce neighborhood's economic and cultural development.

2. Plaintiff Artists have longstanding deep connections to the Santurce community and art movement. For decades, Santurce was known as the dangerous neighborhood of San Juan due to the high rate of crime and drug trafficking. Santurce was neglected by local government and avoided by people who could afford to live or to work elsewhere. On or around 2009, at the peak of one of the worst economic downfalls, Plaintiff Artists and members of the creative community came together to use street art to revitalize Santurce's abandoned buildings and deteriorated public areas. This gave residents a renewed sense of ownership over public spaces as well as improved the local aesthetic, attracted visitors, boosted the economy and the once unbearable crime and drug activity has decreased. These talented artists and visionaries spearheaded what is now a vibrant, open-air art gallery showcasing an amazing public display of murals painted by artists from Puerto Rico and around the world.¹ In fact, Santurce is now considered to be "the largest art district in the Caribbean."²

3. In 2014, the Plaintiff Artists, all whom were residents of Santurce, took the initiative of restoring the purpose and aesthetic appeal of the community's outdoor basketball court located

¹ <https://www.bienvenidospuertorico.net/santurce-es-ley-celebrates-artistic-empowerment-through-amazing-murals/>
² "Colorful, vibrant, and artsy, that is Santurce! Reminiscent of Miami's Wynwood Arts District or Chicago's West Loop, this San Juan district's fizzy personality is the result of a community of artists coming together year after year to "fix-up" a forgotten neighborhood. The community of artists grew into a movement motivated by the idea that art can change and heal buildings as well as people. (...) Santurce is where many artists claim that the street art movement started developing in Puerto Rico, and a tour around its streets can show you why. Over the years, it has become one of the largest art districts in the Caribbean, establishing world-renowned festivals such as Los Muros Hablan and Santurce es Ley." See <https://www.discoverpuertorico.com/article/street-art-tour-santurce>. Discover Puerto Rico article last accessed on December 20, 2021.

next to the Placita de Santurce. The basketball park was in deplorable conditions, had become a drug use area, was abandoned, vandalized and trashed with drug paraphernalia and even human excrement. Several photographs of the abandoned, vandalized and trashed basketball court are attached hereto as **Exhibit A**.



4. Plaintiff Artists volunteered their time, talent, effort and with their own scarce economic resources, purchased paint and supplies, cleaned the entire area and proceeded to design and paint the 2-dimensional work of visual art on the walls in and around the neighborhood's basketball court.

5. This large-scale mural took approximately 5 weeks to complete and is titled "Buenos días Canals", which translates to English as "Good morning Canals," because it is located on Canals street, one block from "La Placita de Santurce" in San Juan, Puerto Rico. Photographs of the preparation and fixation process are attached hereto as **Exhibit B**.

6. The Mural consists of stylized abstract colorful designs and stylized creative and original expressions along with flames of fire throughout the entire large-scale mural. A photograph of the work of art is attached hereto as **Exhibit C**.

7. The Plaintiff Artists' effort and work of art had an immediate positive impact on the lives of the youth that flocked to enjoy the outdoor basketball court and on members of the community who expressed their approval and gratitude to the Plaintiffs. Photograph of the neighborhood's youth using the revitalized area is attached hereto as **Exhibit D**.



8. Defendant Benito Antonio Martínez Ocasio, also known by the stage name “Bad Bunny,” is an urban music artist, song writer, producer and entertainer that has achieved a great deal of success and worldwide recognition since late 2016 when he began working with Noah Assad.

9. Defendant Rimas Entertainment LLC describes itself as an “Independent Record Label and Music Powerhouse” and provides services for entertainers to monetize their music through digital mediums, such as, YouTube. It was cofounded in 2014 and is owned and controlled by Noah Assad, who has also been Bad Bunny’s manager at all times relevant to this Complaint.

10. Defendant 200 Carritos LLC is a limited liability company, authorized and organized under the law of the Commonwealth of Puerto Rico, which was created and is managed by and for the benefit of Defendant Benito Antonio Martínez Ocasio, a/k/a “Bad Bunny.”

11. In 2018, Bad Bunny recorded his first music album titled X100pre and all Defendants developed a plan to heavily monetize the album by incorporating attractive visual content and distributing it through video sharing platforms such as YouTube. Noah Assad and Rimas Entertainment had YouTube's first and only direct monetization deal in Puerto Rico.

12. Defendants and/or their agents went to the Santurce basketball court where Plaintiff Artists’ Copyrighted Work is located and filmed and reproduced the Mural for the video of one of Bad Bunny’s songs in X100pre titled “Ser Bichote” which translates from Spanish to English as “Being a Drug Lord”.

13. In or around December 25, 2018, Defendants distributed and publicly displayed the video consisting of a static camera shot of Plaintiff Artists’ Mural, the “Ser Bichote” logo which incorporates the Mural’s fire flames, and children playing basketball. Below is a screenshot of the video:



14. The “Ser Bichote” video features Plaintiff Artist’s Mural as the centerpiece, focal point and only creative element. Plaintiff Artist’s work of art is displayed throughout the totality of the video which is 3 minutes and 13 seconds long. The aesthetic appeal of Plaintiff Artists’ Mural is the reason why Defendants chose that specific Santurce basketball court for the shooting of the video. “Ser Bichote” video had 9.2 million views on YouTube in less than 3 months and reached 15,422,615 million views in less than 10 months. A photograph of the “Ser Bichote” video is attached hereto as **Exhibit E**.

15. Despite Defendants’ vast economic resources, their knowledge of copyright law and despite Bad Bunny being an artist who also depends on his creative talent to make a living, none of the Defendants have acknowledged wrongdoing or compensated Plaintiff Artists for the willful and unlawful commercial use of “Buenos días Canals” their Copyrighted Work.

16. Plaintiff Artists created the Mural to contribute to the rebirth of their Santurce neighborhood and for the benefit of the children who gather there to play basketball. Plaintiffs did not donate their time, effort and talent for the financial gain of wealthy celebrities, their corporations, managers or music labels. Had Defendants bothered to contact Plaintiff Artists for permission in advance, Plaintiff Artists would not have agreed to license their artwork to Defendants to be used in connection with “Ser Bichote” because its lyrics convey a harmful drug trafficking message that promotes and glorifies the violent lifestyle of a drug lord.

17. Plaintiffs bring this straightforward copyright infringement action for misappropriation of their original artwork and seek monetary relief for Defendants’ intentional infringement of Plaintiff Artists’ copyright in Buenos días Canals (hereinafter the “Copyrighted Work” or the “Mural”), pursuant to the United States Copyright Act, 17 U.S.C. §101, et seq. (the “Copyright

Act”), for the violation of the Puerto Rico Moral Rights Act, Act 55 of March 9, 2021, as amended and the violation of Article 1802 of the Puerto Rico Civil Code.

II. JURISDICTION AND VENUE

18. This is an action for direct, contributory and vicarious copyright infringement arising under the Copyright Act, 17 U.S.C. § 101 *et seq.*

19. This Court has original subject matter jurisdiction over this action and the claims asserted herein, pursuant to 28 U.S.C. §1331 (“federal question jurisdiction”) and 1338(a)-(b) (“patent, copyright, trademark and unfair competition jurisdiction”) in that this action arises under the laws of the United States and, more specifically, Acts of Congress relating to patents, copyrights, trademarks, and unfair competition. This Court has subject matter jurisdiction over the state law claims under the Puerto Rico Moral Rights Act pursuant to 28 U.S.C. §1367(a) (“supplemental jurisdiction”) in that they are so related to the federal law intellectual property claims in the action, that they form part of the same case or controversy under Article III of the United States Constitution.

20. Defendants are subject to the personal jurisdiction of the Court because they do or transact business in, have agents in, or are otherwise found in and have purposely availed themselves of the privilege of doing business in Puerto Rico and in this district, and because the willful misconduct was directed to and expressly aimed at Puerto Rico, its residents, and this district. In particular, Defendants (directly or through agents) copied, reproduced, published, distributed and publicly displayed the infringing material in Puerto Rico and with the purpose of reaching thousands of Puerto Rico residents.

21. Venue is proper in this district pursuant to 28 U.S.C. Section 1391(b)(1)-(3) because a substantial part of the events or omissions giving rise to the claims occurred in this District in that, *inter alia*, the infringing material was created here and the infringing acts took place here.

III. THE PARTIES

22. Plaintiff Pedro E. Torres Román is an individual who resides in Puerto Rico. Plaintiff is joint author and co-owner of the Copyrighted Work and a renowned artist, producing visual works of art under the pseudonym “Spear.”

23. Plaintiff Mario Resende González is an individual who resides in New York. Plaintiff is joint owner of the Copyrighted Work and a renowned artist, producing visual works of art under the pseudonym “Son.”

24. Plaintiff Antonio Moll is an individual who resides in Puerto Rico. Plaintiff is joint owner of the Copyrighted Work and a renowned artist, producing visual works of art under the pseudonym “Klas.”

25. Plaintiff Artists are well-known visual artists who are routinely invited to paint outdoor murals around the world and exhibit their work in galleries. Plaintiffs support themselves primarily through the commission, licensing, and sale of their creative works. The Plaintiffs design, create, display, distribute, and sell works of art in different styles and media of the visual arts.

26. Plaintiffs are joint owners of the original work of art at issue in this action and have registered the copyright for the work. A copy of the Certificate of Registration for “Buenos días Canals” is attached hereto as **Exhibit F**.

27. Defendant Benito Antonio Martínez Ocasio is an individual who, upon information and belief, resides in Puerto Rico. He is a renowned celebrity, producing works under the stage name “Bad Bunny.”

28. Defendant 200 Carritos LLC is a Puerto Rico limited liability company founded by Bad Bunny, authorized to do business, and doing business, in San Juan, Puerto Rico. It maintains its main office in San Juan, Puerto Rico.

29. Rimas Entertainment, LLC is a Puerto Rico limited liability company, founded by Noah Assad, authorized to do business, and doing business, in Puerto Rico. It maintains its principal offices in San Juan, Puerto Rico, and it's the entity that promotes and represents Defendant Benito Antonio Martínez Ocasio d/b/a "Bad Bunny".

30. Rimas Entertainment LLC is a music label, a community of content creators and a Multi-Channel Network that works with video platforms and offers musicians services of monetization, audio-visual production, audience growth, digital rights management, channel optimization, social media management, digital distribution, advertising, and many other services.

31. Noah Assad is the founder of Rimas Entertainment and personally manages Bad Bunny's career. As such, Assad supervises, profits from and directs Bad Bunny's career choices.

32. Upon information and belief, Noah Assad, his wife and their Conjugal Partnership are co-founders and/or owners of Rimas Entertainment, LLC, which promotes and represents Bad Bunny.

33. Insurance companies A, B, C are the companies that insured or insure Defendants and which had insurance policies in effect in favor of Defendants for actions such as the ones described hereunder.

34. Plaintiff Artists do not have information as to the true names and capacities of the Defendants sued herein as Does 1-10, inclusive, and therefore sue said Defendants by such fictitious names. Plaintiffs will amend this Complaint to allege the true names and capacities when the same has been ascertained. Plaintiff Artists are informed and believe, and thereon allege, that

each fictitiously-named Defendant is responsible in some manner for the occurrences herein alleged, and that Plaintiff Artists' damages as herein alleged were proximately caused by their conduct.

35. Each of Defendants acted as an agent for each of the other Defendants in doing the acts alleged and each Defendant ratified and otherwise adopted the acts and statements performed, made or carried out by the other Defendants so as to make them directly, contributorily and vicariously liable to the Plaintiffs for the conduct complained of herein. Each of the Defendants was the alter ego of each of the other Defendants.

36. Upon information and belief, all of the above listed Defendants have, jointly and severally, willfully and without any authorization from Plaintiff Artists, directly, contributorily and/or vicariously infringed the rights of Plaintiffs by, at least, reproducing, adapting, distributing and publicly displaying the Copyrighted Work.

IV. FACTUAL BACKGROUND

37. Plaintiff Artists repeat and reallege each and every allegation contained in paragraphs 1 thru 36 and incorporate each herein by reference.

38. Plaintiff Artists are acclaimed contemporary visual artists from Puerto Rico who for two decades have contributed to the street art scene all around the world by creating vibrant murals that cover dozens of buildings. Their art work has increased the aesthetic appeal of a great number of communities and has helped their Santurce neighborhood's economic and cultural development.

39. In October 2014, Plaintiff Artists designed and painted an outdoor mural titled "Buenos días Canals" (hereinafter "the Mural") on the walls surrounding the basketball court next to the "Placita de Santurce" located at 745 Calle Canals, San Juan, 00907, in an effort to improve and transform its bleak appearance into a vibrant and colorful recreation area for their community's

youth to enjoy. Since then, the Mural has become a prominent feature of the Santurce neighborhood. The Mural is depicted herein.



40. Following the release of “Ser Bichote”, Bad Bunny became the most successful Latin music artist.

41. Defendants recently charged between \$30.00 and \$125.00 dollars per ticket to “P FKN R Concert,” selling tickets for two different venues and two functions. Said events drew a combined total of approximately 100,000 one hundred thousand attendees in Puerto Rico.

42. Defendant Rimas Entertainment LLC is a record label and music video producer that distributes and commercializes artists’ videos and music. Rimas Entertainment is one of the biggest independent music labels and has YouTube’s first and only direct monetization deal in Puerto Rico.

43. In 2018, Bad Bunny, Rimas Entertainment LLC and its owner/co-founder, Noah Assad, strategized a plan to monetize Bad Bunny’s first album titled X100pre by distributing the entire album along with engaging visual content for each of its songs to the video sharing and social media platform YouTube.

44. Defendants directed, produced, uploaded, distributed and publicly displayed the infringing music video titled “Ser Bichote” featuring the Mural as the centerpiece which was reproduced, published, displayed, adapted and distributed through YouTube, without Plaintiff Artists’ knowledge or consent and without crediting Plaintiff Artists.

45. Defendants produced or otherwise commissioned the infringing Music Video. This video includes in its entirety a video graphic reproduction of Plaintiff Artists' Mural. That is, the entire feature length of the video consists of a static camera shot which displays Plaintiff Artists' Mural as the centerpiece and the "Ser Bichote" logo which incorporates the Mural's fire flames. Indeed, Plaintiff Artists' Copyrighted Work is featured prominently and is exploited as the Music Video's stage design or *mise-en-scène*.

46. Defendants published the infringing "Ser Bichote" video under Bad Bunny's official artist channel and distributed and monetized it through the YouTube platform along with the following copyright notice © 2018 Rimas Entertainment and a link to download the video. The infringing video was widely shared through social media channels, some of which remain available and accessible to this day.

47. On information and belief, Defendants' identical copying and exploitation of the Copyrighted Work was willful, and in disregard of, and with indifference to, the rights of Plaintiff. On further information and belief, Defendant's intentional, infringing conduct was undertaken to reap the creative, artistic and aesthetic benefit and value associated with the Copyrighted Work. By failing to obtain Plaintiff Artists' authorization to use the Copyrighted Work or to compensate Plaintiff Artists' for the use, Defendants avoided payment of license fees and other financial costs associated with obtaining permission to exploit the Copyrighted Work, as well as the restrictions that Plaintiff Artists' are entitled to and would place on any such exploitation as conditions for Plaintiff's permission, including the right to deny permission altogether.

48. Upon information and belief, Defendant Bad Bunny reproduced, published, distributed and publicly displayed the Copyrighted Work. Defendant Bad Bunny also controlled, approved and benefited from the infringement of the Copyrighted Work.

49. Upon information and belief, Defendant Rimas Entertainment reproduced, published, distributed and publicly displayed the Copyrighted Work.

50. Upon information and belief, Defendant Rimas Entertainment controlled, approved and benefited from the infringement of the Copyrighted Work.

51. Upon information and belief, Defendant 200 Carritos reproduced, published, distributed and publicly displayed the Copyrighted Work.

52. Upon information and belief, Defendant 200 Carritos controlled, approved and benefited from the infringement of the Copyrighted Work.

53. Upon information and belief, Defendant Noah Assad contributed to and/or instigated the reproduction, publishing, distribution and public display of the Copyrighted Work.

54. Upon information and belief, Defendant Noah Assad controlled, approved and benefited from the infringement of the Copyrighted Work.

55. Plaintiff Artists did not authorize the exploitation of the Mural in the Music Video.

56. Defendants did not approach and/or request authorization to use the Mural from the Plaintiff Artists.

57. Defendants could have easily contacted Plaintiff Artists and/or found out from residents of Santurce the contact information of Plaintiff Artists in order to ask for their permission and compensate them for the commercial use of their original work of authorship.

58. Plaintiff Artists are well known, were bona fide residents of the Santurce neighborhood, had participated in iconic street art festivals held in Santurce such as “Santurce es Ley”, “Comi Con”, “Los Muros Hablan” and had art exhibitions in various San Juan museums and art galleries.

59. Defendants distributed the infringing Music Video over the internet and, upon information and belief, through other channels of trade, both for sale and to generate publicity, a substantial increase in subscribers to their YouTube channel and massive advertising revenue.

60. The “Ser Bichote” video was a critical and financial success for Defendants because of the profits generated and the growth of their YouTube channel, social media following and the increase of Bad Bunny’s overall fan base.

61. On information and belief, the infringing Music Video has been viewed over 16 million times on popular video sharing and social media platforms, such as YouTube.

62. The production cost of the “Ser Bichote” music video was minimal given the fact that (1) Defendants’ did not pay a license fee to commercially exploit the Mural and (2) the Mural is the video’s only creative element. Thus, the financial success of the music video is due to the visual appeal of Plaintiff Artists’ Mural.

63. “Ser Bichote” had 9.2 million views on YouTube in less than 3 months and reached 15,422,615 million views in less than 10 months. Also, Defendants infringing video was heavily monetized through several forms of revenue streams such as extensive pre-roll, pop-up, overlay, and other display advertising.

64. The “Ser Bichote” lyrics tell a story about the desire that Bad Bunny had since childhood of becoming a drug lord and gangster.

65. Featuring the Mural in the “Ser Bichote” music video links the Plaintiff Artists and their artistic creations with the world of illegal drug trafficking, violence, gang activity and crime due to the message conveyed through the lyrics. Also, because Ser Bichote (Being a Drug Lord) is displayed in the lower right-hand corner of the video.

66. Defendants' exploitation of the Mural damages Plaintiff Artists' reputation, especially because the lyrics in Defendants' "Ser Bichote" glorify the lifestyle of a drug lord drug and promote children to aspire to become drug lords.

67. Defendants' use of the Mural has had an adverse impact on the potential market for and on the value of the Copyrighted Work. "Buenos días Canals", was known as the joint work of a group of renowned artists from Santurce who revitalized the community's basketball court. After Defendants' acts, it is permanently associated with the same drug activity and crime that Plaintiff Artists sought to free the Santurce basketball court from.

V. CLAIMS

FIRST CLAIM FOR RELIEF COPYRIGHT INFRINGEMENT AGAINST ALL DEFENDANTS

68. Plaintiff Artists repeat and reallege each and every allegation contained in paragraphs 1 thru 67 and incorporate each herein by reference.

A. Acts of Infringement

69. Plaintiff Artists' graphic expression embodied in the Buenos días Canals Mural is an original work of authorship, fixed in a tangible medium of expression and constitutes copyrightable subject matter under the laws of the United States. The "Buenos días Canals" Mural was registered in a timely manner in the U.S. Copyright Office. It has been assigned Registration Number VA 2-154-870. The Certificate of Copyright Registration is attached hereto as **Exhibit F** and it constitutes prima facie evidence of valid copyright ownership as per 17 U.S.C. § 410(c).

70. Defendants copied, reproduced, distributed, adapted, profited from, and publicly displayed the Plaintiff Artist's Copyrighted Work in the infringing "Ser Bichote" Music Video without the consent, permission or authority of Plaintiff Artists.

71. Defendants' actions constitute infringement of Plaintiff Artists' copyrights and exclusive rights for which they are entitled to damages.

72. All of Defendants' acts were performed without the permission, license or consent of Plaintiff Artists.

73. Defendants' use of Plaintiffs' artwork was for the purpose of their own financial benefit.

74. Defendants have not offered a single penny to Plaintiff Artists to compensate them for the theft of their original artwork. In fact, Defendants have ignored Plaintiffs' repeated attempts to resolve this matter amicably. Plaintiff Artists seek the license fees that they should have been paid in advance for the Defendants' use of the Mural as well as actual and/or statutory damages, including, but not limited to, Defendants' profits, costs, expenses and attorneys' fees.

75. By reason of Defendants acts of copyright infringement as alleged herein, Plaintiff Artists have suffered and will continue to suffer substantial damage to Plaintiff Artists' businesses in the form of diversion of trade, loss of profits, and a diminishment in the value of Plaintiff Artists' works, right, and reputation, all in amounts that are not yet ascertainable.

76. Plaintiff Artists rely on licensing fees as one of their main sources of income. Defendants' refusal to address this matter and compensate Plaintiff Artists, even after Defendants unlawfully profited from the Mural without permission, directly deprives Plaintiff Artists of their livelihood and the license fees upon which they rely for income. Copyright law rightfully requires willful infringers like Defendants to properly compensate artists for the unlawful use of their artwork.

77. Despite the obvious infringement of the Copyrighted Work and the notifications of infringement provided, Defendants have refused to compensate Plaintiff Artists for the unlawful

use of the Mural. Plaintiff Artists have thus been forced to bring this Action in order to recover damages and protect their livelihood.

78. Plaintiff Artists seek to recover costs and attorney's fees to deter Defendants from their pattern of infringing the copyrights of visual artists.

79. By reason of their infringement of Plaintiff Artists' copyright as alleged herein, Defendants are liable to Plaintiffs for the direct, consequential and actual damages incurred by Plaintiff Artists as a result of the infringement, and for all profits directly and indirectly attributable to such infringement.

B. Defendants' Willful Copyright Infringement

80. Defendants' infringing conduct alleged herein was willful, with full knowledge, in reckless disregard of, and with indifference to of Plaintiff's rights in the Copyrighted Work, and has enabled Defendants illegally to obtain profit therefrom.

81. The "Ser Bichote" music video features Plaintiff Artist's work of art as the centerpiece, focal point and only creative element for consecutively 3 minutes and 13 seconds. Reproducing the Plaintiff Artists' work of art was a strategic and purposeful decision. Defendants chose to place the video camera in front of the Mural to leverage the popularity of Plaintiffs' street art to attract young, urban consumers and because Defendants knew that the vibrant colors and attractive appeal of the large-scale mural would serve to engage viewers and thus, maximize its monetization.

82. Plaintiff Artists' Mural contained copyright management information and other source identifying elements.

83. Plaintiff Artists have careers in the art industry, have been painting murals for two decades, were residents of Santurce, had participated in festivals such as "Santurce es Ley", "Los Muros Hablan", have exhibited their art in San Juan museums and have murals on several buildings

in Santurce. Therefore, if Defendants had tried to, they could have communicated with Plaintiff Artists to ask for their permission and to pay a license fee for the commercial exploitation of their original work of authorship.

84. Defendants are familiar with intellectual property laws. As such, Defendants actively rely on the protections of copyright law for their own creative works, fully enforce their intellectual property and, thus, expect others to respect their copyrights. Unfortunately, Defendants do not appear to believe these same laws also apply to them.

85. Plaintiff Artists maintain strict control over the licensing and use of their artwork. Such control is critical for street artists, as public perception of their artwork is a central component in the valuation of the artwork and the trajectory of their careers.

86. Defendants are in the music industry, collectively own over 400 copyright registrations in the United States Copyright Office, some of which are for works of visual art. Thus, Defendants are knowledgeable of and dependent on the protection of copyright laws in order to thrive in their respective careers and businesses.

87. Copyright law grants artists the critical ability to restrict who can use and license their artistic creations. Rimas Entertainment, Noah Assad, Bad Bunny, 200 Carritos and all Defendants herein, participated in the copyright infringement fully knowing, or recklessly disregarding the high likelihood that, they were infringing Plaintiff Artists' copyrights. This constitutes willful copyright infringement.

88. Defendants knew that the act of using a work of art without a license and without the consent of the Plaintiff Artists constituted copyright infringement. Particularly since prior to the copyright infringement of Plaintiff Artists' Mural, a visual artist filed a complaint in Puerto Rico state court against Bad Bunny for the unauthorized use of her mural in one of Bad Bunny's music

videos. Therefore, Bad Bunny and Defendants knew and/or should've known that they needed to obtain a license and/or ask for permission before exploiting a mural in a video.

89. Upon information and belief, Rimas Entertainment either employs an in-house attorney or has access to an attorney that provides legal insight regarding Bad Bunny's business deals including, but not limited, to copyright licensing, co-branding ventures and distribution deals. Therefore, Defendants had access to, at all times relevant to this Complaint, and continue to have at their disposal their very own legal resource who shares their expertise and knowledge in copyright matters.

90. Defendants knew and/or should have known that they needed to obtain a license and ask for permission before utilizing and/or exploiting the Mural in their video. Either they knew and infringed anyway or they didn't care enough to seek legal counsel. Either way Defendants' infringement was willful within the meaning of the Copyright Act.

91. As a result of their wrongful conduct, Defendants are liable to Plaintiff Artists for copyright infringement pursuant to 17 U.S.C. § 106 and 501. Plaintiff Artists have suffered, and will continue to suffer, substantial losses, including but not limited to, damage to their business, reputation and goodwill.

92. Plaintiff Artists are entitled to recover damages, which include its losses and any and all profits Defendants have made as a result of its wrongful conduct. 17 U.S.C. § 504. Alternatively, Plaintiff Artists are entitled to statutory damages under 17 U.S.C. § 504(c).

93. In addition, because Defendants' infringement was willful, the award of statutory damages should be enhanced pursuant to 17 U.S.C. § 504(c)(2).

94. Plaintiff Artists seek to recover its attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505 and in furtherance of the goals of the Copyright Act of deterring infringement and of promoting that authors with valid copyright claims seek justice.

SECOND CLAIM FOR RELIEF
CONTRIBUTORY COPYRIGHT INFRINGEMENT
AGAINST ALL DEFENDANTS

95. Plaintiff Artists repeat and reallege each and every allegation contained in paragraphs 1 thru 94 and incorporate each herein by reference.

96. Numerous individuals and entities directly infringed the registered Copyrighted Work owned by Plaintiff Artists.

97. Defendants induced, caused, encouraged and materially contributed to the infringing acts of others by encouraging, inducing, directing, allowing and/or assisting others to reproduce, distribute and publicly display the Plaintiff Artists' Copyrighted Work.

98. Noah Assad, founder and President of Rimas Entertainment participates in the production, distribution and monetization of Bad Bunny's videos and management of Bad Bunny's business choices.

99. Noah Assad as the personal manager of Bad Bunny's career, was and continues to be the mastermind behind the production and monetization of Bad Bunny's videos such as "Ser Bichote" which he distributes through video sharing platforms such as YouTube. Also, Noah Assad as the founder and President of Rimas Entertainment, manages Bad Bunny's audio-visual production, audience growth, digital rights, channel optimization, social media, digital distribution and advertising.

100. Bad Bunny has creative control over his works and publications and was involved in the selection process of the visual component selected for "Ser Bichote".

101. Noah Assad, as Bad Bunny's manager and as President of Rimas Entertainment, acted in concert with Bad Bunny, Rimas Entertainment and 200 Carritos in the planning, production, distribution, publication and promotion of the "Ser Bichote" music video and directly profited from said activities. Defendants' personal conduct encouraged or assisted the individuals, entities and/or agents who directly infringed.

102. Defendants had knowledge of the infringing acts relating to Plaintiff Artists' copyrighted work. The "Ser Bichote" music video features Plaintiff Artist's work of art as the centerpiece, focal point and only creative element. The Copyrighted Work "Buenos días Canals" is displayed throughout the totality of the music video which is 3 minutes and 13 seconds long. Defendants featured Plaintiff Artists' work of art in the "Ser Bichote" video so as to capture the attention of millions of viewers that consumed the video through the digital distribution channels.

103. Defendants knew that the act of using a work of art without a license and without the consent of the Plaintiff Artists constituted copyright infringement. Particularly since approximately five months prior to the copyright infringement of Plaintiff Artists' Mural, another visual artist filed a complaint against Bad Bunny for the unauthorized use of her mural in one of Bad Bunny's music videos. Therefore, Bad Bunny and Defendants knew that they needed to obtain a license and/or ask for permission before exploiting a mural in a video.

104. All of the Defendants own copyright registrations and are thus, knowledgeable of the rights granted by the U.S. Copyright Act and of the need to license works of art prior to their use.

105. The acts and conduct of Defendants, as alleged above in this Complaint constitute contributory copyright infringement.

**THIRD CLAIM FOR RELIEF
VICARIOUS COPYRIGHT INFRINGEMENT**

AGAINST ALL DEFENDANTS

106. Plaintiff repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 105, inclusive.

107. Numerous individuals, agents and entities directly infringed the registered Copyrighted Work owned by Plaintiff Artists.

108. Defendants had the right and ability to control and supervise the infringing acts of the individuals, agents and/or entities who directly infringed Plaintiff Artists' work.

109. Defendants had the right and ability to control and supervise the production and content of the "Ser Bichote" video and the distribution of the infringing material publicly displayed under Bad Bunny's YouTube channel.

110. Defendants under the theory of respondeat superior are vicariously liable for the acts of their agents whom Defendants have the authority and right to supervise.

111. Defendants had an obvious and direct financial interest in the infringement and/or exploitation of the Copyrighted Work.

112. Defendants obtained a direct financial benefit from the infringing activities of the individuals and/or entities who directly infringed Plaintiff's work because the "Ser Bichote" video was purposefully monetized and in fact, generated massive revenue.

113. The acts and conduct of Defendants, as alleged above in this Complaint constitute vicarious copyright infringement.

**FOURTH CLAIM FOR RELIEF
PUERTO RICO MORAL RIGHTS ACT
AGAINST ALL DEFENDANTS**

114. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 thru 113 and incorporate each herein by reference.

115. Defendants' conduct constitutes a violation of Art. 2(b)(i) and 2(b)(iii) of the Puerto Rico Moral Rights Act by failing to provide proper attribution to the rightful authors of the Copyrighted Work and by tarnishing Plaintiffs' integrity, honor, and reputation through unauthorized and distorted use of the Copyrighted Work.

116. "Buenos días Canals", once known as the joint work of a group of renowned artists from Santurce who revitalized the community's basketball court, became the "Ser Bichote" mural, permanently associated with the same drug trafficking and crime that Plaintiff Artists sought to free the Santurce basketball court from.

117. The "Ser Bichote" lyrics tell a story about Bad Bunny's childhood desire to become a drug lord and glorifies that criminal and violent lifestyle. Featuring the mural in the "Ser Bichote" music video links the Plaintiff Artists and their artwork with the world of crime, violence and illegal drug trafficking.

118. Displaying Plaintiff Artists' Mural along with the "Ser Bichote" logo and song that promotes children aspiring to become drug lords harmed the value of Plaintiff Artists' past, present and future reputation and work.

119. As a direct and proximate result of Defendants' acts of infringement under the Puerto Rico Moral Rights Act alleged herein, Plaintiff Artists have been and continue to be irreparably harmed.

120. As a direct and proximate result of Defendants' infringement of Plaintiffs' exclusive rights under the Puerto Rico Moral Rights Act, Plaintiff Artists are entitled to the maximum statutory damages pursuant to Section 11 of the Puerto Rico Moral Rights Act. In the

alternative, at Plaintiffs' election, pursuant to Section 11 of the Puerto Rico Moral Rights Act, Plaintiff Artists shall be entitled to the actual damages suffered.

**FIFTH CLAIM FOR RELIEF
CLAIM FOR DAMAGES AS PER ART. 1802 OF
THE P.R. CIVIL CODE**

121. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 thru 120 and incorporate each herein by reference.

122. Defendants' actions caused injury to Plaintiff Artists, and/or otherwise in conscious disregard of their rights.

123. Further, Defendants performed these acts, or otherwise authorized, ratified or had knowledge of them and thereby acted in conscious disregard of Plaintiff Artists' rights.

124. Defendants' conduct as alleged above has damaged and will continue to damage Plaintiff Artists' goodwill and reputation and has resulted in losses to Plaintiff Artists, and illicit gain of profit to Defendants in an amount unknown at the present time.

VI. JURY DEMAND

125. Plaintiffs respectfully request a trial by jury in this action for all issues so triable.

VII. PRAYER

WHEREFORE, Plaintiff Artists request judgment against Defendants as follows:

1. That Defendants have violated Section 501 of the Copyright Act (17 U.S.C. § 501);
2. That Defendants' conduct be found to be willful;
3. That Defendants' conduct constitutes contributory infringement;
4. That Defendants' conduct constitutes vicarious infringement;
5. That Defendants have violated the Puerto Rico Moral Rights Act;
6. That Defendants' conduct has damaged the goodwill and reputation of Plaintiff Artists;

7. For an order permanently enjoining Defendants and their employees, agents, servants, attorneys, representatives, successors, and assigns, and any and all persons in active concert or participation with any of them, from engaging in the misconduct referenced herein;
8. That Defendant be ordered to provide an accounting of Defendants' profits attributable to Defendant's infringing conduct, including Defendants' profits from sales and any other exploitation of the Copyrighted Work, and any products, works, or other materials that include, copy, are derived from, or otherwise embody the Copyrighted Work pursuant to 17 U.S.C. § 504(b).
9. That Defendants be ordered to destroy or deliver up for destruction all materials in Defendants' possession, custody, or control used by Defendants in connection with Defendants' infringing conduct, including without limitation all remaining copies of the Copyrighted Work and any products and works that embody any reproduction or other copy or colorable imitation of the Copyrighted Work;
10. That Defendants, at their own expense, be ordered to recall the Copyrighted Work from any distributors, retailers, vendors, or others that have distributed the Copyrighted Work on Defendants' behalf, and any products, works or other materials that include, copy, are derived from, or otherwise embody the Copyrighted Work, and that Defendants be ordered to destroy or deliver up for destruction all materials returned to it;
11. That Defendants be ordered to file with this Court and serve upon Plaintiff Artists' counsel within thirty (30) days after services of the judgment demanded herein, a

written report submitted under oath setting forth in detail the manner in which they have complied with the judgment;

12. Awarding Plaintiff Artists:

- a. Defendants' actual damages and profits obtained as a result of Defendants' infringing conduct, including but not limited to all profits from sales and other exploitation of the Copyrighted Work and any products, works, or other materials that include, copy, are derived from, or otherwise embody the Copyrighted Work, or in the Court's discretion, such amount as the Court finds to be just and proper;
- b. Damages sustained by Plaintiffs, including future damages, as a result of Defendants' acts described herein that Plaintiff has sustained or will sustain, in an amount to be proven at trial;
- c. Should Plaintiff Artists so elect, statutory damages pursuant to 17 U.S.C. § 504(c) instead of actual damages or profits; and
- d. Plaintiffs' reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505 in support of the goals of the Copyright Act of sanctioning and vindicating the statutory policy of discouraging infringement.

13. Awarding Plaintiff Artists interest, including pre-judgment and post-judgment interest, on the foregoing sums;

14. That pursuant to Section 11 of the Puerto Rico Moral Rights Act, Defendants, jointly and individually, be required to pay Plaintiff Artists either actual damages sustained by Plaintiffs as a result of Defendants' lack of attribution and tarnishment of integrity, honor, and reputation; or that judgment be entered against Defendants for each

- infringement of the Puerto Rico Moral Rights Act and attorneys' fees, with each act of infringement valued at Twenty Thousand Dollars (\$20,000.00);
15. For punitive and exemplary damages in an amount sufficient to deter Defendants, and each of them, from their wrongful conduct; and,
16. For further relief, as the Court may deem appropriate.

Dated: February 1, 2022

s/Alice M. Cabrera
Alice M. Cabrera
USDC-PR Bar No.307903
Solid Rep LLC
PO Box 400
Bayamón, PR 00960
Telephone: 787-647-6336
Email: acabrera@solidreptm.com

Attorney for Plaintiffs