

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SHINE TV LIMITED,**

*Plaintiff,*

v.

**MASTERCHEF LLC and  
HUSEIN VARVANI,**

*Defendants.*

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**CIVIL ACTION NO. 3:24-cv-963**

**PLAINTIFF'S ORIGINAL COMPLAINT**

**TO THE HONORABLE UNITED STATES DISTRICT JUDGE:**

Plaintiff Shine TV Limited (“Plaintiff”), a company, organized and existing under the laws of the United Kingdom, by and through its undersigned counsel, files this Original Complaint against Defendant MasterChef LLC and Defendant Husein Varvani (collectively hereinafter, “Defendants”) and respectfully alleges as follows:

**NATURE OF THE ACTION**

1. This involves claims for counterfeiting of Plaintiff’s federally registered trademarks and/or service marks in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d) and 1117(b)-(c); trademark infringement of Plaintiff’s federally registered trademarks and/or service marks in violation of § 32 of the Federal Trademark (Lanham) Act, 15 U.S.C. §§ 1051 *et seq.*; unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended (15 U.S.C. § 1125(a)); and cybersquatting in violation of the Anticybersquatting Consumer Protection Act (15 U.S.C. §1125(d)) (the “Action”), arising from Defendants’ willful infringement of the MASTERCHEF Marks (as defined *infra*), including, without limitation, through Defendants’ prominent use of Plaintiff’s MASTERCHEF Marks on Defendants’ Website (as defined *infra*), in connection with Defendants’ business and Defendants’ Services (as defined *infra*), and/or in

connection with their advertisement, marketing, promotion, offering for sale and/or sale of Defendants' Products (as defined *infra*).

### **JURISDICTION AND VENUE**

2. This Court has federal subject matter jurisdiction over the claims asserted in this Action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as well as pursuant to 15 U.S.C. § 1121 as an action arising out of violations of the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*; pursuant to 28 U.S.C. § 1338(b) as an action arising out of claims for false designation of origin and unfair competition; and pursuant to 28 U.S.C. § 1332, as there is diversity between the parties and the matter in controversy exceeds, exclusive of interests and costs, the sum of seventy-five thousand dollars.

3. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 because, upon information and belief, all Defendants reside in this judicial district, and a substantial part of the events or omissions giving rise to the asserted claims occurred in this judicial district.

4. Personal jurisdiction exists over Defendants because, upon information and belief, Defendants are located, and/or conduct business, in Texas and in this judicial district, and/or otherwise avail themselves of the privileges and protections of the laws of the State of Texas, such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process.

### **THE PARTIES**

5. Plaintiff is a company, organized and existing under the laws of the United Kingdom, with an address of Shepherds Building, Central Charecroft Way, London, United Kingdom W14 0EE.

6. Upon information and belief, Defendant MasterChef LLC ("MasterChef LLC") is a limited liability company organized and existing under the laws of the State of Texas, with a registered office address of 539 W Commerce Street, Dallas, Texas 75208. It may be served with

process by serving its registered agent, PhysicalAddress.com, LLC at 539 W Commerce Street, Dallas, Texas 75208.

7. Upon information and belief, Defendant Husein Varvani (“Varvani”) is an individual, with a business address of 539 W Commerce Street, Dallas, Texas 75208.

8. Upon information and belief, Varvani is an officer, director, shareholder and/or owner of MasterChef LLC, and the unlawful acts of MasterChef LLC, as alleged herein, were performed within the scope of his position(s). Defendants enriched themselves through the fraudulent and illegal conduct alleged herein, while Plaintiff suffered enormous financial injury.

9. Upon information and belief, adherence to the fiction of the existence of MasterChef LLC as separate and distinct from Varvani would permit an abuse of corporate privilege and would permit an injustice in that Varvani would succeed in avoiding legally incurred liabilities while maintaining the benefits of the corporate status.

10. Upon information and belief, since the time of its creation, now, and at all times relevant to this Complaint such a unity of interest and ownership existed, and currently exists, between Varvani and MasterChef LLC, such that separate personalities did not and do not in reality exist.

### **GENERAL ALLEGATIONS**

#### **Plaintiff and Its Well-Known MASTERCHEF Show**

11. Plaintiff—part of the Banijay Group, one of the largest international content producers and distributors—is a global media production company, which is best known for its domestic and international television hits, including, but not limited to, HUNTED, THE ISLAND WITH BEAR GRYLLS, and MASTERCHEF.

12. MASTERCHEF is a competitive cooking show (the “MASTERCHEF Show”), which originated in the United Kingdom in or about 1990, and has since been exported in a similar format around the globe under the brand MASTERCHEF (the “MASTERCHEF Brand”).

13. The MASTERCHEF Show is now produced in more than seventy (70) countries and airs in over two hundred (200) territories, including the United States.

14. The MASTERCHEF Show is watched globally by over 300 million viewers and has transformed over one hundred (100) amateur chefs into professionals.

15. Since its inception, it is estimated that the MASTERCHEF Show has had close to fifty million viewers in the United States alone.

16. The MASTERCHEF Brand has over forty-five (45) million social media followers worldwide, over 1.8 billion views across all digital platforms and has won a Guinness World Record for the “Most Successful Cookery Television Format”.

17. Given the popularity of the MASTERCHEF Show, there have also been spinoffs, such as MASTERCHEF: THE PROFESSIONALS for professional working chefs, CELEBRITY MASTERCHEF featuring well-known celebrity contestants, and JUNIOR MASTERCHEF, a version created and adapted for children.

18. In light of the enormous success of the MASTERCHEF Show, Plaintiff has partnered with several leading companies to expand its reach and MASTERCHEF Brand product offerings.







19. More specifically, Plaintiff, and/or its authorized licensees and/or distributors, offer for sale and/or sell kitchenware, knives, cookware, textiles (e.g., aprons, oven gloves), cutting boards, utensils, appliances, among a plethora of other goods related to cooking (collectively, the “MASTERCHEF Products”), which are promoted and sold throughout the U.S. and the world.




20. Plaintiff advertises, offers for sale and/or sells the MASTERCHEF Products, and offers online retail services via Plaintiff’s website, available at [www.masterchef.com](http://www.masterchef.com), (“Plaintiff’s Services” and “Plaintiff’s Website”, respectively) among other channels of trade. True and correct





screenshots of the homepage of Plaintiff’s Website are attached hereto as **Exhibit A** and incorporated herein by reference.

21. While Plaintiff has gained significant common law trademark and other rights in its MASTERCHEF Show, MASTERCHEF Products, and MASTERCHEF Brand through its use, advertising and promotion of the same, Plaintiff has also protected its valuable rights by filing for and obtaining federal trademark registrations.

22. For example, Plaintiff is the owner of the following U.S. trademark registrations and pending application, among many others:

MASTERCHEF Mark	App. No./Reg. No.	Class(es)	Date(s) of First Use
	Reg. No. 6,236,087	7	Based on 44(e)  Foreign registration date: May 09, 2016
	Reg. No. 5,176,654	8	May 09, 2014
	Reg. No. 6,029,433	8	Nov. 30, 2018
	Reg. No. 4,161,652	8, 16, 25, 28, 41	(Class 8) Jun. 2011 (Class 16) Aug. 31, 2010 (Class 25) Jul. 2010 (Class 28) Jun. 2011 (Class 41) Jul. 27, 2010
MASTERCHEF	Reg. No. 6,037,369	9	Feb. 28, 2019
	Reg. No. 6,037,368	9	Oct. 31, 2019
	Reg. No. 4,463,313	9	Aug. 2010

<b>MASTERCHEF Mark</b>	<b>App. No./Reg. No.</b>	<b>Class(es)</b>	<b>Date(s) of First Use</b>
	Reg. No. 4,522,157	9	Aug. 2010
MASTERCHEF	Reg. No. 4,467,034	9	Aug. 2010
MASTERCHEF	Reg. No. 4,365,009	9, 16, 25, 41	(Class 9) Aug. 2010 (Class 16) Aug. 31, 2010 (Class 25) May 2011 (Class 41) Jul. 2011
	Reg. No. 6,102,339	11	Aug. 31, 2018
	Reg. No. 5,840,143	16	Oct. 03, 2017
	Reg. No. 5,209,622	21	May 09, 2014
	Reg. No. 6,029,434	21	Jun. 30, 2016
MASTERCHEF	Reg. No. 5,715,881	25	May 01, 2018
	Reg. No. 6,694,463	28	Jul. 2021
	Reg. No. 6,183,064	30	Based on 44(e)  Foreign registration date: Oct. 03, 2011

MASTERCHEF Mark	App. No./Reg. No.	Class(es)	Date(s) of First Use
MASTERCHEF	Reg. No. 5,869,151	33	Apr. 01, 2018
	Reg. No. 5,869,152	33	Apr. 01, 2018
	Reg. No. 5,947,191	35	Based on 44(e) Foreign registration date: Jul. 04, 2018
MASTERCHEF	Reg. No. 5,891,976	35	Aug. 16, 2013
	Reg. No. 5,380,811	41	Feb. 2005
MASTERCHEF	Reg. No. 3,923,964	41	Oct. 01, 2010
 MasterChef	App. No. 97/239,166	43	Based on 44(e) Foreign registration date: May 13, 2022

(collectively, the “MASTERCHEF Marks”). True and correct copies of Plaintiff’s registrations and its pending application for the MASTERCHEF Marks are attached hereto as **Exhibit B** and incorporated herein by reference.<sup>1</sup>

23. The success of the MASTERCHEF Show, MASTERCHEF Products, and MASTERCHEF Brand is due in large part to Plaintiff’s marketing, promotion and distribution efforts, and the quality of Plaintiff’s Services.

24. Plaintiff’s success is also due to its use of the highest quality materials and processes in making the MASTERCHEF Products.

<sup>1</sup> While certain of the registration certificates attached as **Exhibit B** still list an alternate registrant, as reflected by the assignments on file with the U.S. Patent and Trademark Office, all rights in and to the MASTERCHEF Marks, and the registrations covering the same, have been validly assigned to Plaintiff.

25. Additionally, Plaintiff owes a substantial amount of the success of the MASTERCHEF Show, MASTERCHEF Products, and MASTERCHEF Brand to its consumers, and the word-of-mouth buzz that its consumers have generated, particularly via social media.

26. Plaintiff has gone to great lengths to protect its interests to the MASTERCHEF Show, MASTERCHEF Products, and MASTERCHEF Brand. No one other than Plaintiff is authorized to manufacture, import, export, advertise, offer for sale or sell any goods utilizing, or otherwise use, the MASTERCHEF Marks without the express permission of Plaintiff.

### **Defendants' Wrongful and Infringing Conduct**

27. Plaintiff recently learned of Defendants' actions, which vary and include, but are not limited to: using the MASTERCHEF Marks, or spurious designations that are identical to, substantially indistinguishable from, or confusingly similar to the MASTERCHEF Marks, prominently on or in connection with Defendants' website ("Defendants' Website"), available at [www.masterchef.us](http://www.masterchef.us) (the "Infringing Domain Name"), and/or Defendants' retail and online ordering services ("Defendants' Services") and the advertisement, marketing, promotion, offering for sale and/or sale of Defendants' cooking-related products ("Defendants' Products") to U.S. consumers, including those located in the State Texas. True and correct screenshots of some pages of Defendants' Website are attached hereto as **Exhibit C** and incorporated herein by reference.

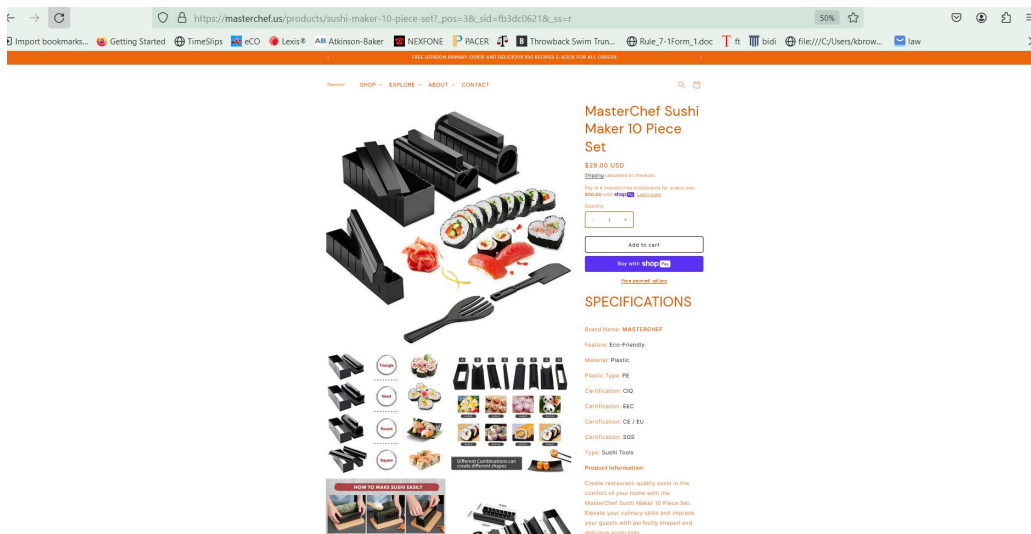
28. Defendants have not only used the MASTERCHEF Marks repeatedly and prominently throughout Defendants' Website, but Defendants have also used imagery from the MASTERCHEF Show, such as a press photograph of Joe Bastianich, who has been a judge on the MASTERCHEF Show, and a similar orange and white color scheme, in an obvious attempt to mislead consumers into believing that Defendants' Website emanates from, is licensed by, or otherwise affiliated with, Plaintiff.



29. The unquestionable willfulness of Defendants' actions is further evidenced by the fact that in the tab for Defendants' Website (featured below on the left), Defendants have used the MASTERCHEF Marks in a nearly identical manner to Plaintiff (tab featured below on right):



30. Through Defendants' Website, Defendants offer Defendants' Products, which include appliances, cookware, knives, utensils, among other things, along with goods that are branded "MASTERCHEF", such as the below (*see also Exhibit C*):



31. Upon information and belief, Varvani, on behalf of himself and MasterChef LLC, registered the Infringing Domain Name in a further bad faith attempt to profit from the MASTERCHEF Marks, thereby deceiving consumers into wrongly believing that Defendants' Website is selling legitimate MASTERCHEF Products and/or that Defendants' Website, Defendants' Services and/or Defendants' Products are otherwise approved by Plaintiff.

32. On or about February 7, 2024, Plaintiff placed Defendants on notice of their infringing and illegal conduct by sending Defendants a cease and desist letter via email (the "C&D Email"), and reporting Defendants' unauthorized Facebook page on which Defendants pervasively used the MASTERCHEF Marks.

33. On February 8, 2024, Defendants responded to the C&D Email, and the parties have since engaged in some back-and-forth correspondence; however, Defendants have adamantly refused to stop their infringing and illegal conduct.

34. Defendants are not, and have never been, authorized by Plaintiff or any of its authorized agents to use the MASTERCHEF Marks, or any marks that are confusingly similar thereto, or sell the MASTERCHEF Products.

35. By their actions, as outlined herein, Defendants have violated Plaintiff's exclusive rights in the MASTERCHEF Marks, and have used marks that are confusingly similar to, identical to and/or constitute counterfeiting and/or infringement of the MASTERCHEF Marks in order to confuse consumers into believing that Defendants' business and Defendants' Website are associated with Plaintiff, Defendants' Services originate from, are affiliated with, or otherwise authorized by Plaintiff, and/or Defendants' Products are Plaintiff's MASTERCHEF Products and aid in the promotion and sales of Defendants' Products.

36. Defendants' conduct began long after Plaintiff's adoption and use of the MASTERCHEF Marks, after Plaintiff filed for and obtained federal registrations in the MASTERCHEF Marks, as alleged above, and after Plaintiff's MASTERCHEF Marks, Plaintiff's Services and the MASTERCHEF Products became well-known to the purchasing public.

37. Prior to and contemporaneous with their actions alleged herein, Defendants had knowledge of Plaintiff's ownership of the MASTERCHEF Marks, of the fame and incalculable goodwill associated therewith and of the popularity and success of the MASTERCHEF Show and MASTERCHEF Products, and in bad faith adopted the MASTERCHEF Marks.

38. In fact, as noted above, in addition to brazenly using the MASTERCHEF Marks, Defendants have mimicked the color scheme of Plaintiff's Website, and used images that are

evocative of the MASTERCHEF Show in an effort to impersonate Plaintiff, and thus, the intentional nature of Defendants' conduct is unquestionable.

39. Defendants have been engaging in the illegal and infringing actions, as alleged herein, knowingly and intentionally, or with reckless disregard or willful blindness to Plaintiff's rights, or in bad faith, for the purpose of trading on the goodwill and reputation of Plaintiff, the MASTERCHEF Marks, Plaintiff's Services, the MASTERCHEF Show, and MASTERCHEF Products.

40. Defendants' actions, as alleged herein, have caused, and will continue to cause confusion, mistake, economic loss, and have deceived, and will continue to deceive, consumers, the public and the trade with respect to the source or origin of Defendants' business, Defendants' Website, Defendants' Services and Defendants' Products, thereby causing consumers to erroneously believe that Defendants' business, Defendants' Website, Defendants' Services and/or Defendants' Products are licensed by or otherwise associated with Plaintiff, thereby damaging Plaintiff.

41. By engaging in these actions, Defendants have, jointly and severally, among other things, willfully and in bad faith committed the following, all of which have and will continue to cause irreparable harm to Plaintiff: counterfeited and infringed the MASTERCHEF Marks, committed unfair competition and unfairly profited from such activities at Plaintiff's expense, and engaged in cybersquatting.

42. Unless enjoined, Defendants will continue to cause irreparable harm to Plaintiff.

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(Trademark Counterfeiting)**

**[15 U.S.C. § 1114(1)(b)/Lanham Act § 32; 15 U.S.C. § 1116(d)/Lanham Act § 34;  
15 U.S.C. § 1117(b)-(c)/Lanham Act § 35]**

43. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

44. Plaintiff is the exclusive owner of all right and title to the MASTERCHEF Marks.

45. Plaintiff has continuously used the MASTERCHEF Marks in interstate commerce since on or before the dates of first use as reflected in the registrations attached hereto as **Exhibit B**.

46. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's well-known and prior rights in its MASTERCHEF Marks, Defendants intentionally reproduced, copied, and/or colorably imitated the MASTERCHEF Marks and/or used spurious designations that are identical with, or substantially indistinguishable from, the MASTERCHEF Marks, on or in connection with Defendants' Website, Defendants' Services and the advertisement, marketing, promotion, offering for sale and/or sale of Defendants' Products.

47. Defendants have offered Defendants' Services in connection with the MASTERCHEF Marks and/or spurious designations that are identical with, or substantially indistinguishable from, the MASTERCHEF Marks, in direct competition with Plaintiff, in or affecting interstate commerce, and have acted with reckless disregard of Plaintiff's rights through their participation in such activities.

48. Defendants' intentional and unauthorized use in commerce of the MASTERCHEF Marks and/or spurious designations that are identical with, or substantially indistinguishable from, the MASTERCHEF Marks, as alleged herein, is likely to cause consumer confusion as to the origin, source, sponsorship, and/or affiliation of Defendants' Services, and is likely to cause consumers to mistakenly believe that Defendants' Services are offered, authorized, endorsed

and/or sponsored by Plaintiff, or that Defendants, Defendants' business, Defendants' Website and/or Defendants' Products are in some way affiliated with and/or sponsored by Plaintiff, thereby allowing Defendants to make substantial gains and profits to which they are not entitled in law or equity.

49. Defendants' unauthorized use of the MASTERCHEF Marks in connection with Defendants' business, Defendants' Website, Defendants' Services and Defendants' Products was done with notice and full knowledge that such use was not authorized or licensed by Plaintiff or its authorized agents and with deliberate intent to unfairly benefit from the incalculable goodwill inherent in the MASTERCHEF Marks.

50. Defendants' actions constitute willful counterfeiting of the MASTERCHEF Marks in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d) and 1117(b)-(c).

51. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss and irreparable injury and damage to Plaintiff, its business, its reputation and its valuable rights in and to the MASTERCHEF Marks and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial, for which Plaintiff has no adequate remedy at law, and unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff and its valuable MASTERCHEF Marks.

52. Based on Defendants' actions as alleged herein, Plaintiff is entitled to injunctive relief, damages for the irreparable harm that Plaintiff has sustained, and will sustain, as a result of Defendants' unlawful and infringing actions, as alleged herein, and all gains, profits and advantages obtained by Defendants as a result thereof, enhanced discretionary damages, treble damages and/or statutory damages of up to \$2,000,000 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

**SECOND CAUSE OF ACTION**  
**(Infringement of Registered Trademarks/Service Marks)**  
**[15 U.S.C. § 1114/Lanham Act § 32(a)]**

53. Plaintiff replays and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

54. Plaintiff has continuously used the MASTERCHEF Marks in interstate commerce since on or before the dates of first use as reflected in the registrations attached hereto as **Exhibit B**.

55. Plaintiff, as the owner of all right, title and interest in and to the MASTERCHEF Marks, has standing to maintain an action for trademark infringement under 15 U.S.C. § 1114.

56. Defendants were, at the time they engaged in their actions as alleged herein, actually aware that Plaintiff is the owner of the federal trademark registrations for the MASTERCHEF Marks.

57. Defendants did not seek and thus inherently failed to obtain consent or authorization from Plaintiff, as the registered trademark owner of the MASTERCHEF Marks, to use the MASTERCHEF Marks.

58. Defendants knowingly and intentionally used the MASTERCHEF Marks, or marks that are identical or confusingly similar thereto, on or in connection with the advertisement, marketing, promotion, and/or offering for sale of Defendants' Products, as well as Defendants' business, Defendants' Website and Defendants' Services.

59. Defendants' egregious and intentional use of the MASTERCHEF Marks or marks that are identical or confusingly similar thereto, in commerce on or in connection with Defendants' business, Defendants' Website, Defendants' Services and/or Defendants' Products has caused, and is likely to continue to cause, actual confusion and mistake, and has deceived, and is likely to continue to deceive, the general purchasing public as to the source or origin of the same, and is

likely to deceive the public into believing that Defendants' business, Defendants' Website, Defendants' Services and/or Defendants' Products are associated with or authorized by Plaintiff.

60. Defendants' actions have been deliberate and committed with knowledge of Plaintiff's rights and goodwill in the MASTERCHEF Marks, as well as with bad faith and the intent to cause confusion, mistake and deception.

61. Defendants' continued, knowing, and intentional use of the MASTERCHEF Marks without Plaintiff's consent or authorization constitutes intentional infringement of Plaintiff's federally registered MASTERCHEF Marks in violation of § 32 of the Lanham Act, 15 U.S.C. § 1114.

62. As a direct and proximate result of Defendants' illegal and infringing actions as alleged herein, Plaintiff has suffered substantial monetary loss and irreparable injury, loss and damage to its business and its valuable rights in and to the MASTERCHEF Marks and the goodwill associated therewith in an amount as yet unknown, but to be determined at trial, for which Plaintiff has no adequate remedy at law, and unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff and the valuable MASTERCHEF Marks.

63. Based on Defendants' actions as alleged herein, Plaintiff is entitled to injunctive relief, damages for the irreparable harm that Plaintiff has sustained, and will sustain, as a result of Defendants' unlawful and infringing actions as alleged herein, and all gains, profits and advantages obtained by Defendants as a result thereof, enhanced discretionary damages, as well as other remedies provided by 15 U.S.C. §§ 1116, 1117, and 1118, and reasonable attorneys' fees and costs.

**THIRD CAUSE OF ACTION  
(Federal Unfair Competition)  
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]**

64. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

65. Plaintiff, as the owner of all right, title and interest in and to the MASTERCHEF Marks, has standing to maintain an action for false designation of origin and unfair competition under the Federal Trademark Statute, Lanham Act § 43(a) (15 U.S.C. § 1125).

66. The MASTERCHEF Marks are inherently distinctive and/or have acquired distinctiveness.

67. Defendants knowingly and willfully used false designations of origin and false and misleading descriptions and representations on or in connection with Defendants' business, Defendants' Website, Defendants' Services, and/or their advertising, marketing, promoting, and/or offering for sale of Defendants' Products, with the intent to cause confusion, to cause mistake and to deceive the purchasing public into believing, in error, that Defendants' business, Defendants' Website, Defendants' Services and/or Defendants' Products are authorized, sponsored, approved, endorsed or licensed by Plaintiff and/or that Defendants are affiliated, connected or associated with Plaintiff, thereby creating a likelihood of confusion by consumers as to the source of Defendants' business, Defendants' Website, Defendants' Services and/or Defendants' Products, and allowing Defendants to capitalize on the goodwill associated with, and the consumer recognition of, the MASTERCHEF Marks, to Defendants' substantial profit in blatant disregard of Plaintiff's rights.

68. By using marks that are identical to, confusingly similar to or which constitute colorable imitations of Plaintiff's MASTERCHEF Marks, Defendants have traded off the extensive goodwill of Plaintiff, its MASTERCHEF Marks, and MASTERCHEF Products and did in fact induce, and intend to, and will continue to induce customers to purchase Defendants'



Products, thereby directly and unfairly competing with Plaintiff. Such conduct has permitted and will continue to permit Defendants to make substantial sales and profits based on the goodwill and reputation of Plaintiff and its MASTERCHEF Marks, which Plaintiff has amassed through its nationwide marketing, advertising, sales and consumer recognition.

69. Defendants knew, or by the exercise of reasonable care should have known, that their adoption and commencement of and continuing use in commerce of marks that are identical or confusingly similar to and constitute reproductions of the MASTERCHEF Marks, particularly on or connection with Defendants' Website that is intended to mimic Plaintiff's Website, would cause confusion, mistake or deception among purchasers, users and the public.

70. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive the purchasing public and with the intent to trade on the goodwill and reputation Plaintiff, its MASTERCHEF Marks and MASTERCHEF Products.

71. As a direct and proximate result of Defendants' aforementioned actions, Defendants have caused irreparable injury to Plaintiff by depriving Plaintiff of sales of its MASTERCHEF Products and by depriving Plaintiff of the value of its MASTERCHEF Marks as commercial assets in an amount as yet unknown, but to be determined at trial, for which it has no adequate remedy at law, and unless immediately restrained, Defendants will continue to cause substantial and irreparable injury to Plaintiff and the goodwill and reputation associated with the value of the MASTERCHEF Marks.

72. Based on Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief as well as monetary damages and other remedies as provided by the Lanham Act, including damages that Plaintiff has sustained and will sustain as a result of Defendants' illegal and

infringing actions as alleged herein, and all gains, profits and advantages obtained by Defendants as a result thereof, enhanced discretionary damages and reasonable attorneys' fees and costs.

**FOURTH CAUSE OF ACTION**  
**(Cybersquatting Under the Anticybersquatting Consumer Protection Act)**  
**[15 U.S.C. § 1125(d)(1)]**

73. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

74. The Infringing Domain Name is identical or confusingly similar to one or more of the MASTERCHEF Marks, which were distinctive and/or famous at the time Defendants registered the Infringing Domain Name.

75. Defendants registered and used the Infringing Domain Name with the bad faith intent to profit from the MASTERCHEF Marks, namely by using the Infringing Domain Name to host Defendants' Website where Defendants offer Defendants' Services and offer for sale and/or sell Defendants' Products.

76. Defendants have no trademark or other intellectual property rights in the Infringing Domain Name.

77. Defendants' activities as alleged herein violate the federal Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1).

78. Plaintiff has no adequate remedy at law, and if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation.

79. Defendants are causing and are likely to continue to cause substantial injury to the public and to Plaintiff, and Plaintiff is therefore entitled to injunctive relief, including an order requiring the transfer of the Infringing Domain Name to Plaintiff and to recover the costs of this action under 15 U.S.C. § 1116, 1117 and 1125(d). In light of the egregious and exceptional nature of Defendants' conduct, Plaintiff is further entitled to its reasonable attorneys' fees.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendants, inclusive, and each of them, as follows:

A. For an award of Defendants' profits and Plaintiff's damages pursuant to 15 U.S.C. § 1117(a), enhanced discretionary damages under 15 U.S.C. § 1117(a) and treble damages in the amount of a sum equal to three (3) times such profits or damages, whichever is greater, pursuant to 15 U.S.C. § 1117(b) for willfully and intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark in violation of 15 U.S.C. § 1114(1)(a);

B. In the alternative to Defendants' profits and Plaintiff's actual damages, enhanced discretionary damages and treble damages for willful use of a counterfeit mark in connection with the sale, offering for sale or distribution of goods or services, for statutory damages pursuant to 15 U.S.C. § 1117(c) in the amount of not more than \$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale or distributed, as the Court considers just, which Plaintiff may elect prior to the rendering of final judgment;

C. For an award of Defendants' profits and Plaintiff's damages in an amount to be proven at trial for willful trademark infringement of Plaintiff's federally registered MASTERCHEF Marks, and such other compensatory damages as the Court determines to be fair and appropriate pursuant to 15 U.S.C. § 1117(a);

D. For an award of Defendants' profits and Plaintiff's damages pursuant to 15 U.S.C. § 1117(a) in an amount to be proven at trial and such other compensatory damages as the Court determines to be fair and appropriate pursuant to 15 U.S.C. § 1117(a) for unfair competition under 15 U.S.C. § 1125(a);

E. For an order transferring the Infringing Domain Name to Plaintiff pursuant to 15 U.S.C. § 1125(d)(1)(C);

F. For a preliminary and permanent injunction by this Court enjoining and prohibiting Defendants, or their agents, and any employees, agents, servants, officers, representatives, directors, attorneys, successors, affiliates, assigns and entities owned or controlled by Defendants, and all those in active concert or participation with Defendants, and each of them who receives notice directly or otherwise of such injunction from:

- i. directly or indirectly infringing in any manner any of Plaintiff's MASTERCHEF Marks;
- ii. using any reproduction or copy of Plaintiff's MASTERCHEF Marks to identify any goods or services not authorized by Plaintiff;
- iii. using any of Plaintiff's MASTERCHEF Marks, or any other marks that are confusingly similar to the MASTERCHEF Marks, on or in connection with Defendants' business, Website, Defendants' Services and/or Defendants' manufacturing, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale, sale and/or otherwise dealing in Defendants' Products;
- iv. using any false designation of origin or false description, or engaging in any action that is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed,

- promoted, distributed, displayed, offered for sale or sold by Defendants and Defendants' commercial activities by Plaintiff;
- v. engaging in the unlawful, unfair or fraudulent business acts or practices, including, without limitation, the actions described herein;
  - vi. engaging in any other actions that constitute unfair competition with Plaintiff;
  - vii. engaging in any other act in derogation of Plaintiff's rights;
  - viii. from secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to Defendants' Website, and/or any use of the MASTERCHEF Marks in connection with Defendants' manufacturing, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Defendants' Products;
  - ix. effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in any final judgment or order in this action;
  - x. operating Defendants' Website;
  - xi. registering, trafficking in or using any domain names that incorporate any of Plaintiff's MASTERCHEF Marks, or any colorable imitation thereof, including the Infringing Domain Name;
  - xii. instructing any other person or entity to engage or perform any of the activities referred to in subparagraphs (i) through (xi) above; and

G. For an order of the Court requiring that Defendants recall from any distributors and retailers and deliver up to Plaintiff for destruction any and all products and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of such distributors and retailers that infringe or bear the MASTERCHEF Marks, or any marks confusingly similar thereto;

H. For an order of the Court requiring that Defendants deliver up for destruction to Plaintiff any and all products and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of Defendants that infringe Plaintiff's MASTERCHEF Marks, or bear any marks that are confusingly similar to the MASTERCHEF Marks pursuant to 15 U.S.C. § 1118;

I. For an order from the Court requiring that Defendants provide complete accountings for any and all monies, profits, gains and advantages derived by Defendants from Defendants' Services and/or their use of the MASTERCHEF Marks as described herein, including prejudgment interest;

J. For an order from the Court that an asset freeze or constructive trust be imposed over any and all monies, profits, gains and advantages in Defendants' possession which rightfully belong to Plaintiff;

K. For an award of exemplary or punitive damages in an amount to be determined by the Court;

L. For Plaintiff's reasonable attorneys' fees;

M. For all costs of suit; and

N. For such other and further relief as the Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury on all claims.

Dated: April 19, 2024.

Respectfully submitted,

**BELL NUNNALLY & MARTIN LLP**

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