

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-60728-CIV-SMITH**

GUCCI AMERICA, INC.,

Plaintiff,

vs.

AUTHENTICGUCCIBAGSOUTLETUSA.COM,
et al.,

Defendants.

**DECLARATION OF SYDNEY KIPEN IN SUPPORT OF
PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT FINAL JUDGMENT
AGAINST DEFENDANTS**

I, Sydney Kipen, state and declare as follows:

1. I am over 18 years of age and have personal knowledge of the facts set forth herein. I make this Declaration, which is filed in support of Plaintiff’s Motion for Entry of Default Final Judgment against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” hereto (“Defendants”). If called upon to do so, I could and would testify competently to the following facts set forth herein.

2. I am employed by Plaintiff, Gucci America, Inc. (“Gucci”) as Intellectual Property Counsel. Gucci is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at 195 Broadway, 12th Floor, New York, New York 10007.



3. In my capacity as Intellectual Property Counsel at Gucci, I am responsible, in part, for Gucci’s trademark and anti-counterfeiting efforts in the United States. As a result, I am fully familiar with most aspects of the manufacture, sale, and distribution of genuine Gucci

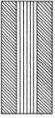

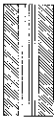




products, and I have the ability to identify the distinctions between genuine Gucci merchandise and counterfeit copies of the same.





Gucci's Trademark Rights

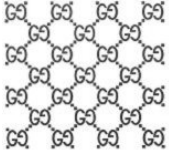
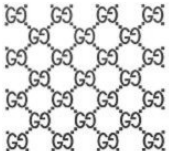


4. Gucci is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this judicial district, of high-quality products under multiple federally registered and common law trademarks, including those identified in Paragraph 5 below.




5. Gucci is the owner of all rights in and to the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively the "Gucci Marks"):

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
GUCCI	0,876,292	September 9, 1969	IC 006 – vacuum bottles, vanity cases sold empty. IC 018 – pocketbooks, wallets, travel and duffel bags, attache cases (chain), toilet cases sold empty and shoe bags. IC 025 – shoes and boots.
	1,106,722	November 21, 1978	IC 025 – neckties, scarves, belts, footwear, shirts, sweaters, coats, suits, and bathing suits.
	1,107,311	November 28, 1978	IC 018 – wallets, purses, handbags, shoulder bags, clutch bags, tote bags, card cases, partly and wholly of leather, key cases, passport cases, cosmetic cases, attache cases, valises, suitcases, duffles.

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
 (Green Red Green Stripe Design)	1,122,780	July 24, 1979	IC 018 – wallets, purses, handbags, shoulder bags, clutch bags, tote bags, card cases, attache cases, valises, suitcases, duffles, and key cases.
	1,158,170	June 23, 1981	IC 025 – clothing-namely, neckties, scarves, belts, footwear, shirts, coats, hats, dresses, and bathing suits.
GUCCI	1,168,477	September 8, 1981	IC 025 – neckties, scarves, belts, footwear, shirts, sweaters, coats, suits, dressing gowns, hats, socks, dresses, and bathing suits.
 (Green Red Green Stripe Design)	1,483,526	April 5, 1988	IC 025 – footwear.
 (Blue Red Blue Stripe Design)	1,511,774	November 8, 1988	IC 018 – purses, handbags, shoulder bags, clutch bags, tote bags.
	3,039,629	January 10, 2006	IC 025 – footwear and belts.
	3,039,630	January 10, 2006	IC 018 – wallets, purses, handbags, tote bags, business card cases, credit card cases and key cases, partly or wholly of leather.
	3,039,631	January 10, 2006	IC 009: eyeglass frames and sunglasses.

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
	3,072,547	March 28, 2006	IC 025 – neckties, scarves, belts, footwear and gloves.
	3,072,549	March 28, 2006	IC 018 – wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business card cases, credit card cases, partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attaché cases, valises, suitcases and duffles.
	3,378,755	February 5, 2008	IC 014 – jewelry and watches. IC 016 – agendas and notebooks. IC 018 – wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business card cases, credit card cases, partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attaché cases, valises, suitcases and duffles. IC 025 – scarves, belts, footwear, shirts, sweaters, coats, suits.
	4,220,947	October 9, 2012	IC 014 – jewelry. IC 018 – wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business card cases, credit card cases partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attaché cases, valises, suitcases and duffel bags. IC 025 – neckties, scarves, belts, footwear and gloves.

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
	4,229,081	October 23, 2012	IC 014 – jewelry. IC 018 – wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business card cases, credit card cases partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attache cases, valises, suitcases and duffel bags. IC 025 – neckties, scarves, belts, footwear and gloves.
	4,349,908	June 11, 2013	IC 009 – cases and covers for mobile phones and mobile communication devices. IC 026 – hair accessories, namely, hair bands and hair holders.
 (Green Red Green Stripe Design)	4,379,039	August 6, 2013	IC 025 – shorts, pants, jeans, leggings, t-shirts, polo shirts, shirts, sweaters, sweatshirts, dresses, skirts, swimwear, one piece garments for infants and toddlers, cloth bibs, scarves, ties, hats, gloves, belts.
GUCCI	4,407,149	September 24, 2013	IC 009: sunglasses and cases for sunglasses.
	4,563,071	July 8, 2014	IC 009 – protective covers and cases for mobile electronic devices and computers. IC 014 – watches.
GUCCI	4,563,098	July 8, 2014	IC 009 – protective covers and cases for mobile electronic communication devices and computers; computer application software for all mobile devices, namely, software for providing information in the field of fashion, the arts and lifestyle.

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
GUCCI	4,563,132	July 8, 2014	IC 018 – handbags, shoulder bags, clutch bags, tote bags, briefcases, business card cases, credit card cases, backpacks, key cases, passport cases, cosmetic cases sold empty, valises, suitcases, luggage, all the foregoing being made in whole or in part of leather.
 (Green Red Green Stripe Design)	4,567,112	July 15, 2014	IC 009 – eyeglasses and sunglasses; protective covers and cases for mobile electronic communication devices and computers; cell phone straps; computer carrying cases. IC 014 – jewelry and key rings of precious metal. IC 018 – cosmetic cases sold empty, luggage, duffle bags.
	4,583,258	August 12, 2014	IC 009 – protective covers and cases for mobile electronic communications devices and computers. IC 014 – watches. IC 018 – backpacks, general purpose trolley bags; baby bags, namely, bags for carrying babies' accessories. IC 025 – clothing, namely, shirts and jackets.
	5,073,022	November 1, 2016	IC 018 – handbags and wallets. IC 025 – belts and footwear.
	5,235,368	July 4, 2017	IC 018 – handbags, shoulder bags, tote bags and wallets. IC 025 – belts.

The Gucci Marks are used in connection with the manufacture and distribution of high-quality goods in the categories identified above. True and correct copies of the Federal Registrations for the Gucci Marks listed above are attached as Composite Exhibit “1” to the Plaintiff’s Complaint (DE [1-2]).

6. Gucci, its authorized licensees, and an affiliated company, are the exclusive authorized distributors in the United States of a wide variety of goods bearing the Gucci Marks. Genuine Gucci products are marketed and sold at Gucci’s boutiques throughout the United States at high quality, prestigious department stores, and via the Internet. During the time that Gucci has sold its products in interstate commerce under the Gucci Marks, Gucci has expended substantial resources developing, advertising and otherwise promoting the Gucci Marks.

7. As a result of the foregoing, the Gucci Marks have acquired fame in the consumer market for a wide variety of high-quality goods. The Gucci Marks have come to symbolize the enormous goodwill of Gucci’s business throughout the United States and the world. The Gucci Marks have never been abandoned. Gucci actively polices and enforces its trademark rights.

8. The Gucci Marks are vital to Gucci’s business, as the trademarks represent a significant value to Gucci’s overall business and associated image. Gucci suffers irreparable harm to its goodwill, as well as a direct monetary loss, any time any third parties, including Defendants, sell counterfeit and infringing goods bearing identical or substantially similar trademarks.

Investigation of Defendants’ Counterfeiting Activities

9. Gucci learned Defendants are promoting, advertising, offering for sale and/or selling various products bearing and/or using counterfeit and infringing trademarks that are exact copies of one or more of the Gucci Marks, without authorization, via the Internet websites

operating under the domain names identified on Schedule “A” hereto (the “Subject Domain Names”). The Gucci Marks have never been assigned or licensed to Defendants, and Defendants do not have, nor have they ever had, the right or authority to use the Gucci Marks for any purpose. Further, the Gucci Marks have never been assigned or licensed to be used in connection with any of the Subject Domain Names that Defendants may operate under.

10. Prior to filing this action, I conducted a review of the various Gucci branded products offered for sale by Defendants via the Internet websites operating under each of the Subject Domain Names, and/or the websites to which those domain names either automatically or manually redirect, and determined that the products were non-genuine, unauthorized Gucci branded products. Gucci reached this conclusion through visual inspection of the product images, the pricing of the Gucci branded products listed, which is far below the prices of similar genuine Gucci products, and the observation of certain product and marking characteristics which are not consistent with those found on genuine Gucci products. Moreover, I personally know that Gucci does not conduct business with Defendants or their websites, nor have the Gucci Marks ever been assigned or licensed to be used by Defendants or the Internet websites operating under the Subject Domain Names.

11. In view of the foregoing, I can confirm that the products Defendants are promoting and offering for sale under the Gucci Marks via the Internet websites operating under or through the Subject Domain Names are non-genuine, unauthorized copies of genuine Gucci products. Additionally, I can confirm Defendants do not have authorization to use the Gucci Marks or name in connection with any of the Subject Domain Names.

Harm Caused to Gucci by Defendants' Activities

12. Genuine Gucci branded goods are widely legitimately advertised, promoted, offered for sale, and discussed by Gucci, its authorized distributors and unrelated third parties via the Internet.

13. Visibility on the Internet, particularly via Internet search and social media platforms is important to Gucci's overall marketing and consumer education efforts. Thus, Gucci expends significant monetary and other resources on Internet marketing and consumer education regarding its products, including search engine optimization, search engine marketing, and social media strategies, all of which allow Gucci and its authorized retailers to educate consumers fairly and legitimately about the value associated with the Gucci brand and the goods sold thereunder and the problems associated with the counterfeiting of Gucci's trademarks.

14. Each year, Gucci expends significant monetary resources in connection with trademark enforcement efforts.

15. Each individual counterfeiter's actions, alone, causes Gucci irreparable harm. However, the sheer number of counterfeit website operators acts as a force multiplier of those individual harms and creates a massive single reputational harm to Gucci. Gucci faces significant economic and logistical challenges in enforcing its trademark rights against each individual online store. Single defendant enforcement in the face of the overwhelming infringement points of sale made possible by the unregulated and anonymous nature of the Internet is wholly ineffective and does not remedy the actual harm to Gucci caused by the crushing weight of all of the Defendants' simultaneous counterfeiting.

16. Throughout the investigation, Gucci has repeatedly found that the anonymity and mass reach afforded by the Internet serves to create nearly impenetrable obstacles in identifying

the full extent and scope of targeted counterfeiting operations. Online counterfeiters such as those in this case typically use false or concealed identifying information in their e-commerce store registrations and on their website stores themselves, false or concealed Internet Protocol (“IP”) addresses to conceal their true location, and inaccurate or unrelated origination information for logistics and freight forwarding services. Most often, online sellers set up many multiple storefronts which appear unrelated to evade detection or complete closure of their entire operation once they are detected. Plaintiffs such as Gucci have no way of determining those connections prior to enforcement and very little chance of receiving any meaningful discovery to assist in that task post-enforcement. In fact, Gucci can typically only determine the actual relationships between Defendants when they appear through counsel and identify all the stores in a particular group for the purpose of resolution.

17. Additionally, even after detection, online counterfeiters often simply set up shop elsewhere quickly and easily, before Gucci’s enforcement efforts, including litigation, are complete. The quick moving nature of online counterfeiting allows Defendants to swiftly set up and dump payment accounts and website stores, leaving Gucci with no recourse for the damage done in the time that would be taken up by filing individual lawsuits. Without permissive joinder, in the end, Gucci would be left filing large numbers of lawsuits often against the same sellers over and over without ever obtaining any meaningful relief.

18. Gucci regularly sees repeat offenders in unrelated matters or multiple e-commerce stores operated by the same individuals or organizations, creating an elaborate game of “whack-a-mole.” Given the ease with which counterfeiters create website templates, those individuals or organizations can quickly and easily use such templates to set up infinite storefronts without the time and investment Gucci puts into developing and marketing its products. Defendants, in cases

such as this, simply steal the latest designs, slap together a storefront, and begin competing *en masse* with Gucci on Defendants' own products across dozens of e-commerce stores.

19. Despite the great difficulty to specifically identify active, concerted relationships between the Defendants herein, Gucci readily sees and suffers from the combined harm caused by the Defendants' concurrent counterfeiting activities. Successfully addressing the common harm caused by the Defendants necessitates Gucci grouping concurrently acting Defendants together to obtain any reasonable relief and prevent the drowning out of Gucci's legitimate online product information and sales.

20. By benefitting from advertising and market targeting strategies based upon an unlawful use of the Gucci Marks online, Defendants are jointly obliterating the otherwise open and available marketplace space in which Gucci has the right to fairly market its goods and associated message. Specifically, Defendants use unauthorized counterfeits of one or more of Gucci's trademarks to make their website stores appear more relevant and attractive to consumers searching for Gucci's goods and information online. Such concurrent wrongful use of Gucci's trademarks directly impairs Gucci's ability to compete for visibility on the World Wide Web, including within search engine results space and across social media platforms.

21. The combined force of Defendants' unlawful actions is contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Gucci's genuine goods. Defendants are causing individual, concurrent and indivisible harm to Gucci and the consuming public by (i) depriving Gucci of its right to fairly compete for space online and within search engine results and reducing the visibility of Gucci's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the Gucci Marks by viewing inferior products in either the pre or post

sale setting, and/or (iii) increasing Gucci's overall cost to market its goods and educate consumers about the brands via the Internet.

22. As a result of the availability of the non-genuine Gucci branded goods being offered for sale by Defendants, Gucci is highly likely to experience irreparable damage to its reputation among consumers absent the entry of an appropriate injunction.

Statutory Damages

23. With the assistance of Gucci's counsel, a chart has been prepared for the convenience of the Court illustrating the trademarks counterfeited and types of goods offered for sale and/or sold per Defendant, including citations to the evidence. (See Exhibit "1" hereto; see also Composite Exhibit "2" attached to the Plaintiff's Complaint (DE [1-3 through 1-4])). Although Gucci's evidence demonstrates that many Defendants have counterfeited multiple trademarks on multiple types of goods, Gucci is requesting a statutory damages award in the amount of one million dollars (\$1,000,000.00) against each Defendant based upon each Defendant's use of at least one counterfeit mark on one type of good.

24. Additionally, Plaintiff's evidence demonstrates that Defendant Numbers 1-12 (the "Cybersquatting Defendants") have incorporated marks that are identical to and/or confusingly similar to at least one of the Gucci Marks into their Subject Domain Names (the "Cybersquatted Subject Domain Names"), as identified on Schedule "B" to the Motion for Default Judgment. As such, Gucci requests ten thousand dollars (\$10,000.00) for each of the Cybersquatted Subject Domain Names.

25. Gucci's damages request of one million dollars (\$1,000,000.00) against each Defendant and ten thousand dollars (\$10,000.00) for each of the Cybersquatted Subject Domain Names against each of the Cybersquatting Defendants falls in line with meeting the statutory

goals of compensation to Gucci and to serve as a deterrence to Defendants and others in similar businesses from continuing to counterfeit Gucci's trademarks.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct. Executed: 2025-02-04, at New York, New York.

Sydney Kipen

Sydney Kipen

SCHEDULE "A"
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAMES

Def. No.	Defendant / Subject Domain Name
1	authenticguccibagsoutletusa.com
2	cheapguccibags.shop
3	cheapguccibelts.shop
4	cheapguccihandbags.shop
4	cheapguccionline.shop
4	cheapguccioutlet.shop
4	guccibagsoutlet.shop
4	guccibagsoutletshop.com
5	guccibagoutletusa.com
6	guccifactoryoutlet.com
7	guccifakeshop.com
8	gucciknirps.shop
9	gucciofficialoutlets.com
10	guccireplica.ru
11	gucciselling.com
12	gucciverkauf.com
13	aabbfashion.com
14	annaonline.store
15	atelier-elegant.net
16	brandshoefactory.com
17	designbags.us
18	designergunews.ru
19	dolabuy.ru
20	elegantnicely.com
21	fashionreps.me
22	fast-world-leather.com
23	finerlabels.net
24	fortok.ru
25	highstreetporter.com
26	hypetrndz.com
27	joyrep.ru
27	vincystore.com
28	kickbulk.co
29	lakshory.shop
30	luxurydeal.cc
31	mydevalie.com
32	mywikibag.com
33	ourfashion.net
34	perfectkick.org
35	replicagods.com
36	topbagsclub.com

Def. No.	Defendant / Subject Domain Name
37	uafactory.co