

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MG PREMIUM LTD, a limited liability
company organized under the laws of the
Republic of Cyprus,

Plaintiff,

vs.

VASILY KHARCHENKO, an individual and
DOES 1-20, d/b/a DAFTSEX.COM,
ARTSPORN.COM,

Defendants.

Case No.: 3:21-cv-05733-BHS

**ORDER OF FINAL JUDGMENT AND
PERMANENT INJUNCTION**

This matter came before the Court in the Motion for Default Judgment filed by Plaintiff MG Premium Ltd (“MG Premium”) pursuant to Fed. R. Civ. P. and Local Rule 55(b)(2) for entry of Final Judgment and Permanent Injunction against Defendant Vasily Kharchenko.

Having considered the submissions in support of MG Premium’s Motion and the pleadings on file, the Court grants the Motion and finds:

I. FINDINGS OF FACT

1. MG Premium owns copyrights in works that are displayed on MG Premium owned or operated paid membership Internet web sites.

1 2. Vasily Kharchenko owns and/or operates the web sites Daftsex.com,
2 Artsporn.com, Daxab.com, and Bicle.com.

3 3. Daftsex.com, Artsporn.com, Daxab.com, and Bicle.com were utilized by Vasily
4 Kharchenko to display adult oriented videos and content to millions of viewers in the United
5 States. These actions were done to earn money from the sales of advertising space on
6 Daftsex.com, Artsporn.com, and Bicle.com to United States advertisers.

7 4. Between July 2020 and July 2021, Vasily Kharchenko displayed 2,143 of MG
8 Premium's copyrighted works on Daftsex.com.

9 5. In July 2021, Vasily Kharchenko displayed 2,143 of MG Premium's copyrighted
10 works on Artsporn.com.

11 6. Since July 2021, Vasily Kharchenko displayed 2,143 of MG Premium's
12 copyrighted works on Bicle.com.

13 7. Vasily Kharchenko displayed the 2,143 MG Premium copyrighted works on
14 Daftsex.com, Artsporn.com, and Bicle.com for a commercial purpose.

15 8. Vasily Kharchenko earned advertising revenue from Daftsex.com, Artsporn.com,
16 and Bicle.com. The more Internet traffic on Daftsex.com Artsporn.com, and Bicle.com resulted
17 in increased advertising revenue.

18 9. Vasily Kharchenko created and utilized vendor accounts with Cloudflare, Inc.,
19 FDC Servers, Inc., Namecheap.com, NameSilo LLC, PrivacyGuardian.org, and Multi Media
20 LLC for purposes of operation and display in the United States of Daftsex.com, Artsporn.com,
21 Daxab.com, and Bicle.com.

22 10. Vasily Kharchenko displayed 2,143 of MG Premium's copyrighted works to
23 increase advertising revenue.

24 11. MG Premium's copyrighted works displayed on Daftsex.com, Artsporn.com, and
25 Bicle.com may be shared on other sites, in addition to users being provided direct links for posting
26 on other web sites, social media accounts, and direct messaging. Such functionality makes it

1 impossible to know how many times and where an unlicensed copyrighted video has been posted
2 and displayed as a result of Defendants' conduct.

3 12. Vasily Kharchenko did not register Daftsex.com, Artsporn.com, or Bicle.com as
4 an Internet Service Provider with the United States Copyright Office and did not have a registered
5 DMCA Agent.

6 13. Vasily Kharchenko did not have authority to display, duplicate or distribute any
7 of the 2,143 MG Premium copyrighted videos on Daftsex.com, Artsporn.com, or Bicle.com.

8 14. MG Premium's ability to garner Internet traffic and sell memberships to its paid
9 membership web sites was directly damaged by Defendants display of its works for free. Potential
10 customers of MG Premium's web sites will not pay membership fees to MG Premium if its
11 movies as available for free.

12 15. Between October 2020 and end of December 2020, Daftsex.com averaged
13 approximately 107 million visitors monthly and in June 2021 the site had 125 million viewers.
14 In June 2021, Artsporn.com had 4.3 million viewers.

15 16. Applying MG Premium's least expensive membership of \$9.99 per month,
16 potential lost revenue for MG Premium in June 2021 alone had a value of \$1,248,750,000

17 17. Vasily Kharchenko knowingly and willfully infringed MG Premium's copyrighted
18 works.

19 18. Service of process was made on Vasily Kharchenko via email pursuant to this
20 Court's Order.

21 19. Vasily Kharchenko is not a minor nor incompetent person.

22 **II. CONCLUSIONS OF LAW**

23 1. Service on Vasily Kharchenko was made pursuant to express provisions of
24 Fed.R.Civ.P. 4(f)(3), 4(h)(2) and 4(m).

25 2. A Court Order entering default judgment against Vasily Kharchenko is now
26 proper pursuant to Fed.R.Civ.P. 55.

1 3. Vasily Kharchenko displayed MG Premium's 2,143 copyrighted works on
2 Daftsex.com and Artsporn.com without authority or license, utilizing Daxab.com to deliver
3 the videos in the United States.

4 4. MG Premium established valid copyright in each of the 2,143 works displayed
5 on Daftsex.com and Artsporn.com.

6 5. Vasily Kharchenko infringed MG Premium's 2,143 copyrighted works.

7 6. MG Premium is entitled to statutory damages for willful copyright
8 infringement. 17 U.S.C. § 504(c).

9 7. It is proper to award maximum damages for intentional and willful
10 infringement of MG Premium's copyright works.

11 8. At \$15,000 per work for 2,143 works, statutory damages of \$32,145,000 are
12 appropriate.

13 9. 17 U.S.C. § 502(a) makes express that the Court may issue "final injunctions on
14 such terms as it may deem just to prevent or restrain infringement of a copyright." Thus, such
15 relief is authorized here by Defendants' conduct.

16 10. 17 U.S.C. § 505 provides that the Court may "award a reasonable attorney's fee to
17 the prevailing party as part of the costs."

18 11. MG Premium would be prejudiced if default judgment is not entered.

19 12. MG Premium has established prima facie claim for copyright infringement and
20 the complaint states a claim for copyright infringement.

21 13. There is no evidence that there is a dispute concerning material facts or that default
22 was due to excusable neglect.

23 **III. FINAL JUDGMENT AND INJUNCTIVE RELIEF**

24 It is hereby **ORDERED, ADJUDGED and DECREED** that DEFENDANT Vasily
25 Kharchenko is PERMANENTLY ENJOINED from using on or in connection with any product
26 or service or the manufacture, importation, exportation, sale, offering for sale, distribution,

1 advertising, promotion, labeling or packaging of any product or service, or from using for any
2 commercial purpose whatsoever any copyrighted work of MG Premium, Ltd.

3 It is further **ORDERED, ADJUDGED and DECREED** that DEFENDANT Vasily
4 Kharchenko, in accordance with 17 U.S.C. § 504(c)(2), shall PAY TO PLAINTIFF statutory
5 damages in the amount of \$32,145,000, with interest on these principal amounts according to the
6 statutory rate pursuant to 18 U.S.C. § 1961(a). This amount consists of \$15,000 for each of the
7 registered copyrighted works that MG Premium own and that Defendants willfully and
8 maliciously infringed.

9 It is further **ORDERED, ADJUDGED and DECREED** that DEFENDANT Vasily
10 Kharchenko, in accordance with 17 U.S.C. § 502(a), shall PAY TO PLAINTIFF Plaintiff's
11 reasonable attorney's fees and costs in the amount of \$27,297.50.

12 It is further **ORDERED, ADJUDGED and DECREED** that Verisign, Inc., the operator
13 of the .COM registry, change the registrar of record for the domain names Daftsex.com,
14 Artsporn.com, Daxab.com, and Bicle.com to MG Premium's registrar of choice, EuroDNS, and
15 that EuroDNS change the registrant of the domain names Daftsex.com, Artsporn.com,
16 Daxab.com, and Bicle.com to MG Premium. These efforts shall be done at MG Premium's
17 reasonable expense.

18 Violation of this Order shall subject Defendants and all other persons bound by the Order
19 to all applicable penalties, including contempt of Court.

20 The Court shall retain jurisdiction over this action for the purpose of enforcing this final
21 judgment and permanent injunction.

22 DATED this 7th day of November, 2022.

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BENJAMIN H. SETTLE
United States District Judge