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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MG PREMIUM LTD,

Plaintiff,

v.

DOES 1-20,

Defendant.

CASE NO. 3:21-cv-05733-BHS

ORDER

THIS MATTER is before the Court on plaintiff MG Premium Ltd’s Renewed Motion to Impose Sanctions Pursuant to Fed. R. Civ. P. 70(e), Dkt. 35. MG Premium has demonstrated that Defendant Vasily Kharchenko is aware of this action and of the Court’s Final Judgment and Permanent Injunction, Dkt. 28. He has been served but failed to appear or defend. He has since taken steps to avoid the Court’s Order.

Kharchenko relocated the at-issue web sites to new domains immediately upon the transfer of original domains to plaintiff MG Premium. Kharchenko re-located the websites previously located at Daftsex.com, Artsporn.com, and Biqle.com to new domains located at Daft.sex, Dsex.to, and Biqle.org. MG Premium has demonstrated that the websites at their current domains are “mirrored” sites to the original websites.

1 MG Premium's 2,143 copyrighted works as described in its First Amended
2 Complaint, Dkt. 9, are displayed on Daft.sex, Dsex.to, and Biqle.org. Such display is in
3 violation of the Court's Order on Final Judgment and Permanent Injunction, Dkt. 28.
4 Kharchenko created two accounts on github.io, specifically daftsex.github.io and
5 daftpost.github.io, to keep users of the Daft Sex Network to have easy connection with
6 the Network, regardless of what domain the Network is utilizing. Indeed, Kharchenko
7 utilized the Twitter account "@DaftPost" to advertise the new github.io accounts.

8 MG Premium asserts, and the Court agrees, that, as the result of this conduct, the
9 Court's prior termination of a domain or rendering the domain to MG Premium have not
10 been successful in thwarting Kharchenko's copyright infringement actions. MG
11 Premium's motion to hold Kharchenko in contempt is therefore **GRANTED**.

12 However, as the Court has previously explained, MG Premium has not persuaded
13 the Court that it can or should order non-parties to take concrete steps to prevent the
14 infringement, or as a sanction for Karchenko's wrongful conduct and his contempt of
15 court. The Court will not, therefore, Order third parties take affirmative steps to transfer
16 domain name registrars to MG Premium. It will **ORDER** instead that MG Premium is
17 entitled to ownership of the domain names, as follows.

18 (1) MG Premium or its designee is entitled to be the registrar of record for the
19 domain name Daft.sex, and this Order demonstrates that right to the operator of the .SEX
20 registry, ICM Registry and/or Registry Service, LLSC. Any resulting transfer shall be
21 done at MG Premium's reasonable expense.
22

1 (2) MG Premium or its designee is entitled to be the registrar of record for the
2 domain name Dsex.to, and this Order demonstrates that right to the operator of the .TO
3 registry, Tonic Domains Corp. Any resulting transfer shall be done at MG Premium's
4 reasonable expense.

5 (3) MG Premium or its designee is entitled to be the registrar of record for the
6 domain name Biqle.org, and this Order demonstrates that right to the operator of the
7 ORG registry, Public Interest Registry. Any resulting transfer shall be done at MG
8 Premium's reasonable expense.

9 (4) MG Premium or its designee is entitled to be the owner of record of the Twitter
10 (or X) account @Daftpost, and this Order demonstrates that right to Twitter, Inc. Any
11 resulting transfer shall be done at MG Premium's reasonable expense.

12 (5) MG Premium or its designee is entitled to ownership of the accounts
13 daftsex.github.io and daftpost.github.io and this Order demonstrates that right to Github,
14 Inc. Any resulting transfer shall be done at MG Premium's reasonable expense.

15 This Order may be presented to any domain name registrar in aid of any transfer
16 request.

17 **IT IS SO ORDERED.**

18 Dated this 3rd day of August, 2023.

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21 BENJAMIN H. SETTLE
22 United States District Judge