UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBERT E. SANTORA an individual residing in the State of New York	:	
Plaintiff,	:	Civil Action No.: 7:25-cv-5114
v.	:	
HACHETTE BOOK GROUP, INC. a corporation of the State of New York	:	JURY TRIAL REQUESTED

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff for its Complaint against the Defendant respectfully alleges as follows:

THE PARTIES

1. The plaintiff, Robert E. Santora, is an individual residing within this judicial district in Westchester County at 2360 Bunney Lane, Yorktown Heights, New York 10598.

2. Upon information and belief, the defendant Hachette Book Group, Inc. is a corporation of the State of New York having its principal place of business within this judicial district at 1290 Avenue of the Americas, New York, New York 10104.

JURISDICTION AND VENUE

3. The claims herein arise under the Copyright Laws of the United States, 17 U.S.C. § 101 et seq., and jurisdiction is conferred by virtue of 28 U.S.C. §§ 1331 and

1338(a).

4. Plaintiff Robert E. Santora is informed and believes and on that basis alleges, that defendant Hachette Book Group, Inc. has been selling from this judicial district books bearing derivative works of the copyrighted cover artwork created by Plaintiff Robert E. Santora thereby infringing the rights of Robert E. Santora in such copyrighted cover artwork.

5. Personal jurisdiction for defendant Hachette Book Group, Inc. is founded on Section 301 of the New York Civil Practice Law and Rules ("CPLR").

6. Venue is founded upon 28 U.S.C. § 1400(a).

COUNT I: VIOLATION OF FEDERAL COPYRIGHT LAW

7. Robert E. Santora hereby charges defendant Hachette Book Group, Inc. with copyright infringement in violation of The Copyright Act of 1976. The claims herein also arise under the international copyright laws including the Universal Copyright Convention and The Berne Convention,

8. Robert E. Santora is an established free-lance artist who has a career creating artwork for publishing houses for use as book covers and otherwise signifying the works of a particular author. The artwork and designs created by Robert E. Santora for use as book covers and comparable uses are copyrighted under the laws of the United States and the Universal Copyright Convention and The Berne Convention.

9. Robert E. Santora was engaged by defendant Hachette Book Group, Inc. as

an artist to create the artwork for cover designs for books authored by Sandra Brown. At the time Robert E. Santora was engaged to create the artwork for the cover designs for books authored by Sandra Brown, books by Sandra Brown had been published, and samples of then existing cover artwork for books authored by Sandra Brown are attached as Exhibit A. These book covers existing prior to the creative book cover designs of Plaintiff Robert E. Santora included many differing styles and stock photographs with text of Sandra Brown's name in varying styles of fonts; and did not present a unified look and feel for book covers for books authored by Sandra Brown

10. The artwork Robert E. Santora created for the books authored by Sandra Brown included the author's name in large full capital letters with a unified sans-serif font that has a streamlined look and feel while making a bold and dynamic statement of the author. The author's name Sandra Brown being highly dominant and positioned in the upper section of the illustration with the book title in large type proximately in the lower half of the illustration with a depiction of a soft background image to provide a completely different look and feel for a book cover for titles authored by Sandra Brown. Attached as Exhibit B is the artwork created by Plaintiff Robert E, Santora for the Sandra Brown book entitled "Slow Heat in Heaven" that is the subject of Copyright Registration VA2-420-710 attached as Exhibit C granted by the United States Copyright Office.

11. Attached hereto as Exhibit D are represented covers of Sandra Brown books published by the defendant Hachette Book Group, Inc.

12. Each of these book covers of Exhibit D adopt original and distinctive features of the original artwork created by Plaintiff Robert E. Santora for the books authored by Sandra Brown as represented by the design for "Slow Heat in Heaven," and includes the features that distinguish the covers from the Sandra Brown books published before the creative artwork of plaintiff Robert E. Santora.

13. The book covers attached in Exhibit D have the same look and feel of the original artwork for the books authored by Archer created by Plaintiff Robert E. Santora, and are derivative works copied from the copyrighted artwork created for the books authored by Sandra Brown by plaintiff Robert E. Santora.

14. The plaintiff Robert E. Santora is informed and believes, and therefore avers, that subsequent to the creation of the original artwork for the books authored by Sandra Brown and introduction of those works, the defendant Hachette Book Group, Inc. has infringed upon the copyright of Robert E. Santora in his original artwork for the books authored by Sandra Brown by producing, or causing to be produced, and marketing books, including hard cover books, paperback books, audio books and on-line digital versions bearing derivative works of the original artwork of plaintiff Robert E Santora for the books authored by Sandra Brown.

15. The plaintiff Robert E. Santora avers, upon information and belief, the defendant Hachette Book Group, Inc. created or authorized the creation of book covers for books authored by Sandra Brown by techniques such as artificial intelligence using

the copyrighted artwork of the plaintiff Robert E. Santora to derive and create such additional book covers as illustrated in Exhibit D.

16. As a result of such actions, as outlined above, defendant Hachette Book Group, Inc. has directly infringed the copyright of Robert E. Santora in his original artwork for the books authored by Sandra Brown; without compensation to Plaintiff Robert E. Santora.

17. As a result of such actions as outlined above, defendant Hachette Book Group, Inc. has directly infringed plaintiff Robert E. Santora 's copyrights and induced the infringement thereof by others as a result of the resale of hard cover books, paperback books, audio books and on-line digital versions bearing derivative works of Robert E. Santora's copyright works by its retail customers, including retailers who marketed such infringing books including the on-line digital versions in this judicial district, and, upon information and belief, knew such retailers would be offering the infringing products for sale worldwide.

18. The plaintiff Robert E. Santora had informed defendant Hachette Book Group, Inc. of its infringing activities and is informed and believes and, therefore avers that the aforesaid infringement and inducement thereof by the defendant Hachette Book Group, Inc. of the copyrighted subject matter of Robert E. Santora continues with the knowledge that the cover designs being used by defendant Hachette Book Group, Inc. to market books authored by Sandra Brown without authorization from Robert E. Santora,

and that the defendant, in doing or authorizing such acts, has infringed the rights of Robert E. Santora under the copyright laws of the United States, Title 17 U.S.C. § 101 et seq.

19. For all sales abroad including infringements of the copyrighted work of Robert E. Santora, defendant Hachette Book Group, Inc. has violated the international copyright laws including the Universal Copyright Convention and The Berne Convention.

20. Upon information and belief, unless enjoined by this court, defendant Hachette Book Group, Inc. will further impair if not destroy the value of the copyright and the goodwill associated therewith that are owned by the plaintiff Robert E. Santora.

THEREFORE, Plaintiff prays:

A. That the defendant Hachette Book Group, Inc., and its agents, servants, employees and attorneys as well as those persons in active concert or participation therewith be permanently enjoined and restrained from manufacturing, having manufactured, importing, exporting, offering for sale, selling, advertising or promoting or distributing any products incorporating the copyrighted subject matter or distinctive elements of the copyrighted cover artwork of Robert E. Santora ; and

B. further, that the defendant Hachette Book Group, Inc. be ordered:

(i) to deliver up for destruction all of the merchandise in its possession or control which incorporates any of the copyrighted designs of Robert E. Santora, as well as all means for producing, advertising or promoting such infringing merchandise;

(ii) to make diligent efforts to recall all of the materials set forth in paragraph (B)(i) already distributed; and

(iii) to file with this court and serve on plaintiff ten (10) days after the date of the injunction a report in writing and under oath setting forth in detail the matter or form in which the defendant Hachette Book Group, Inc. has complied fully with the injunction; and

C. that an accounting and judgment be rendered against the defendant Hachette Book Group, Inc. for:

(i) all profits received by defendant from the sale of products including hard cover books, paperback books, audio books and on-line digital versions infringing the copyright asserted in this matter as provided by 17 U.S.C. § 504(b) and applicable international law;

(ii) all profits received by any retailer of defendant or subsequent sellers of any products including hard cover books, paperback books, audio books and on line digital versions infringing the copyrights of Robert E. Santora as a result of the inducement of copyright infringement by the defendant as provided by 17 U.S.C. § 504(b) and international law; and

D. That Robert E. Santora have and receive its costs in this action, including an award of its reasonable attorney's fees with interest from the date of the filing of this complaint pursuant to 17 U.S.C. § 505;

E. That Robert E. Santora have and receive interest for such awards; and

F. That the plaintiff be granted such other and further relief as the court deems just and appropriate.

REQUEST FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff requests trial by jury for all matters so triable.

Dated: New York, New York

Respectfully submitted,
/s/ Gerard F. Dunne
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