UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SOHAM SHAH, Plaintiff, v. NETFLIX, INC., NETFLIX WORLDWIDE ENTERTAINMENT, LLC, and HWANG DONG-HYUK, Defendants.	Civ. No. **COMPLAINT**

PRELIMINARY STATEMENT

1. On September 17, 2021, Defendants Netflix, Inc. and Netflix Worldwide Entertainment, LLC (together, "Netflix") released the streaming television series "Squid Game" to widespread critical acclaim and global popularity. The series ultimately became Netflix's most-watched show, won dozens of awards worldwide (including six primetime Emmy awards), and – according to Netflix itself – increased Netflix's market value by over $900 million. Defendant Dong-hyuk is credited as the "creator" of Squid Game.

2. Unfortunately, the Squid Game series is blatant rip-off of Plaintiff's 2009 Hindi-language Indian film, Luck (the "Luck Film"), and its separately copyrighted components, Plaintiff's October 2007 written treatment (the "Luck Story") and December 2008 screenplay incorporating the Luck Story (the "Luck Screenplay," referred to collectively herein as "Luck").

3. This action seeks damages and a permanent injunction for copyright infringement and other wrongful acts by Defendant Netflix and Defendant Dong-hyuk concerning their unauthorized copying and use of Luck.

4. Plaintiff Soham Shah ("Mr. Shah") is the creator and exclusive owner of the copyright in the Luck Story and the Luck Screenplay. Mr. Shah also owns certain copyright interests in the Luck Film itself in accordance with the Indian Copyright Act of 1957 (the "Indian Copyright Act").

5. Luck tells the story of a group of desperate, indebted people enticed to take part in a series of competitive games to win large sums of money. Only once they begin participating do the individuals learn that losing any of the challenges means death, and that the death of a participant also increases the pot of money available to the remaining contestants. While wealthy onlookers gamble on the players and revel in the high-stakes competition, the participants themselves struggle to stay alive and grapple with their own morality in extreme conditions.

6. In September 2021, Netflix released the initial season of Squid Game ("Squid Game I"). Like Luck, the show centered around the struggles of several characters participating in life-or-death challenges for the chance of winning enormous riches and escaping their debt-ridden, hopeless lives. On information and belief, Defendant Dong-hyuk wrote the story and screenplay for Squid Game I. Upon information and belief, Netflix exploits rights it claims in Squid Game I.

7. Netflix's production and distribution of the streaming series Squid Game infringes Mr. Shah's copyrights in Luck. The main plot, characters, themes, mood, setting, and sequence of events of Squid Game are strikingly similar to that of Luck, defying any likelihood that such similarities could be coincidence. In addition, Squid Game I copies dozens of protected elements from Luck.

8. Netflix continues to exploit, and profit from its unlawful infringement to Mr. Shah's detriment. The extent of damage to Mr. Shah is reflected in Netflix's own claim that Squid Game I directly increased the value of Netflix shares by nearly $1 billion.

9. Following the enormous success of Squid Game I, Netflix has introduced various derivative works, which include a reality television competition series known as "Squid Game: The Challenge," in which 456 players complete challenges vying for a multi-million-dollar prize, in the vein of Luck and Squid Game I. Netflix has capitalized on the infringing work further by presenting an immersive experience to play such games for a the price of a ticket, first with Squid Game: The Trials in Los Angeles in December 2023, and next with Squid Game: The Experience in New York City, beginning on October 2024. Moreover, Netflix has announced that on December 26, 2024, it will release a second season of Squid Game ("Squid Game II"), which, upon information and belief, follows the story and characters from Squid Game I. A third season has been announced to be released shortly thereafter in 2025.[1] Netflix also sells Squid Game and Squid Game: The Challenge merchandise and other collectables through its "Squid Game Official Store."[2]

PARTIES

10. Plaintiff Soham Shah is an individual with citizenship and residence in India. Mr. Shah is a screenwriter, scriptwriter, and director who published a novel "Blood Moon" in 2023, and has written and directed three Hindi-language Indian films, including "Kartam Bhugtam," released on May 17, 2024. Mr. Shah has registered the Luck Story and ancillary materials with the

[1] *See* Joe Otterson, *'Squid Game' Season 2 Sets Premiere Date in New Teaser, Netflix Series to End with Season 3,* Variety.com (Jul. 31, 2024), https://variety.com/2024/tv/news/squid-game-season-2-premiere-date-renewed-final-season-3-netflix-1236092073/.

[2] *See* Squid Game Shop, https://www.netflix.shop/collections/squid-game? (last visited September 12, 2024); *see also* Squid Game: The Challenge Shop, https://www.netflix.shop/collections/squid-game-the-challenge (last visited September 12, 2024).

Screenwriters Association of India (formerly known as the Film Writers' Association), and he has registered the title "Luck" with the Association of Motion Pictures & T.V. Programme Producers ("AMPTPP").

11. Defendant Netflix, Inc. is a Delaware corporation with its primary place of business in Los Angeles County, California. Netflix, Inc. maintains offices worldwide, including corporate offices at 888 Broadway, New York, New York 10003 and is registered to do business in New York. Netflix, Inc. sponsors sales, marketing and public relations events in this district, such as Squid Game: The Experience, coming to New York City in October 2024, accompanied by the "Squid Mart" merchandising store.

12. Defendant Netflix Worldwide Entertainment, LLC ("Netflix Worldwide") is a Delaware limited liability company with its primary place of business in Los Angeles County, California. Netflix Worldwide is an affiliate of Netflix, Inc., and owns copyrights in the Squid Game series registered with the United States Copyright Office. Netflix Worldwide knowingly directs its registered copyrights and other activities worldwide, including this District.

13. Netflix publicly describes itself as one of the world's leading entertainment services, with over 260 million paid subscribers in over 190 countries, enjoying television series, films, and games across a wide variety of genres and languages.

14. Upon information and belief, Defendant Hwang Dong-hyuk is an individual with a primary residence in South Korea. Dong-hyuk has entered into contracts knowingly directing the infringing work into this District. Dong-hyuk is frequently in New York attending events and awards shows, such as the Gotham Awards and the Time 100 Gala, and engaging in promotional activities to market, sell and further exploit the infringing Squid Game properties.

JURISDICTION

15. The Court has jurisdiction over the claims asserted in this Complaint pursuant to 28 U.S.C. §§ 1331 and 1338, as this action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.* including Appendix Q: The Berne Convention Implementation Act of 1988. The district courts of the United States have exclusive jurisdiction over federal copyright claims.

VENUE

16. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the defendants transact business within this district, Netflix presents major sales and marketing events in this district, and maintains a corporate address within this district, significant infringement took place within this district, viewers consumed infringed content within this district, and a substantial part of the events giving rise to the claim occurred within this district.

FACTS

I. Luck

A. Background of the Luck Story, the Luck Screenplay, and the Luck Film

The Luck Story

17. Mr. Shah wrote the Luck Story in or around 2006. On or about January 15, 2007, the AMPTPP confirmed registration of the title "Luck." Mr. Shah renewed this registration annually, paying the Title Registration Fee / Story Registration Fee beginning on December 27, 2007.

18. Mr. Shah registered the 115-page Luck Story with the Film Writers' Association of India (now called the Screenwriters Association of India) on or about October 5, 2007. This document contains the characters, plot, themes, and full treatment (with some screenplay

elements) of the story that was manifested again in future drafts and works, including the infringed Luck Screenplay and then fully realized in the Luck Film.

19. As evidenced by, *inter alia*, Mr. Shah's filings with the Film Writers' Association, the 115-page Luck Story is an original work of authorship by Mr. Shah and Mr. Shah is its exclusive owner.

The Luck Screenplay

20. On or about October 10, 2008, Mr. Shah entered into an agreement with the movie producer Shree Ashtavinayak Cine Vision Ltd. ("Shree"), pursuant to which Mr. Shah agreed to provide director services for the Luck Film (the "Director's Agreement").

21. Thereafter, on October 21, 2008 Shree and Mr. Shah entered into another agreement pursuant to which Mr. Shah agreed to provide his services as a story writer, screenplay writer and dialogue writer for the Luck Film on terms and conditions to be mutually agreed (the "Screenplay Agreement"). The Screenplay Agreement acknowledged that Mr. Shah would create the Luck Screenplay (and Story and Dialogues) for the Luck Film having already provided Shree with the Luck Story which was registered with the Film Writers' Association as of October 5, 2007.

22. In or about December 2008, Mr. Shah completed the final version of the protected Luck Screenplay which incorporated and was further developed from the previously registered Luck Story.

23. It is not in dispute that in 2008-2009, Shree was authorized to and agreed to produce the Luck Film from the Luck Screenplay.

24. Consistent with the Indian Copyright Act, Mr. Shah is the author and owner of, and did not assign, his exclusive rights in the Luck Story and the Luck Screenplay for any

purposes other than cinematograph rights. Cinematograph rights only entitle the owner of the cinematograph rights to make, copy and sell, rent or communicate a film to the public.[3]

25. On September 10, 2024, Mr. Shah filed an application for registration of the Luck Screenplay with the United States Copyright Office. The application, bearing Case No. 1-14241073361, remains pending.

The Luck Film

26. In addition to authorizing the Luck Film based on his Luck Story, writing the Luck Screenplay, and directing the Luck Film, Mr. Shah presided over creative decisions and additions made in connection with the production of the Luck Film.

27. The Luck Film was released worldwide on July 24, 2009, showing in theaters in India, the United Kingdom, the United States, and the United Arab Emirates, among other countries.[4] The Luck Film was also released to viewers in Canada, Romania, and Russia.[5]

28. Critically, pursuant to the Indian Copyright Act, Shree's ownership of the copyright in the Luck Film itself does not affect, let alone diminish, Mr. Shah's copyrights in the component works.[6] Mr. Shah is the author and exclusive owner of the copyright in the Luck Screenplay and specifically retains exclusive ownership rights in the Luck Screenplay for

[3] Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India) ("Indian Copyright Act"), Section 14(d).

[4] *See* Wikipedia, *Luck (2009 Film): Box Office*, https://en.wikipedia.org/wiki/Luck_(2009_film)#Box_office (last visited September 12, 2024).

[5] *See Luck Release Info*, IMDb, https://www.imdb.com/title/tt1242782/releaseinfo/ (last visited September 12, 2024); *see also Luck Trivia*, IMDB, https://www.imdb.com/title/tt1242782/trivia/?ref_=tt_trv_trv (last visited September 12, 2024).

[6] Pursuant to Section 13(4) of the Indian Copyright Act, "The copyright in a cinematograph film or a sound recording shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or, as the case may be, the sound recording is made."

purposes of creating a Web Series, TV Series, or exploitation rights of any kind other than as a cinematograph film as described above.

29. In addition, pursuant to the 2012 amendments to the Indian Copyright Act and caselaw decided thereunder, Mr. Shah maintains an ownership interest in the Luck Film that, among other things, entitles Mr. Shah to a portion of proceeds from "utilisation of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall."[7]

30. Shree declared bankruptcy in India sometime in 2014.

31. On December 15, 2023, an application for copyright registration in the Luck Film was filed by Shemaroo Entertainment Limited ("Shemaroo") with the Indian Copyright office. This application declined to assert any ownership rights in the Luck Story and/or the Luck Screenplay – because Mr. Shah is the clear owner of those exclusive rights for all purposes other than copying, selling, renting or publicly communicating the final version of the Luck Film. It is not known to Plaintiff why Shemaroo purports to own the copyright in the Luck Film, whether any assignments have taken place and/or been properly documented, or whether they are valid.

B. Plot

32. Luck involves individuals who are in debt and desperate to make money. They are enticed by a mysterious frontman to play games with a chance to win significant cash. Upon agreement, these characters are blindfolded and taken in a rough manner to an unknown location, where they wear armbands with their player number. Only upon arrival do they realize that losing the games means death – and that each death increases the purse for the ultimate winner. There are other people watching these games and betting on the players.

[7] Indian Copyright Act, Section 19(9).

33. Luck's protagonist, Ram Mehra, is a single man who resides with his widowed mother. His need for cash derives from his desire to protect his mother from learning about the debts owed to loan sharks by her late husband and losing everything, including her home. Ram is enticed by the frontman, Tamaang, who takes Ram gambling one night and gives him a taste of the excitement of winning. This "taste" is also tainted by a harrowing scene involving a seemingly simple game of trying to light a slightly broken and faulty cigarette lighter several times in a row. Winning results in receiving several hundred thousand Rupees, while losing (failing to successfully ignite the lighter) means death for the frontman (with likely collateral physical harm to Ram). Ram wins.

34. Ram is deeply troubled by this type of exchange and rejects the offer to gamble further for even more significant winnings. But upon his return home to his desperate life, Ram changes his mind and opts for further "high stakes" gambling.

35. As the story reveals the suspenseful life and death "games," we learn of the desperate circumstances of certain other players, the moral choices they face and struggle with in these games of chance for money or death, the alliances and relationships they forge – and betray – as the characters participate in this fundamentally inhuman enterprise.

C. Commercial Effect

36. Luck had a far-reaching impact. The Luck Film starred some of the biggest names in Bollywood, including Imran Khan, Sanjay Dutt, Mithun Chakraborty, and Shruti Haasan, among others.

37. Mr. Khan, who plays the lead character Ram Mehra, made his film debut as an adult just the year prior to the release of the Luck Film, a role for which he won the Filmfare Award and the Apsara Film & Television Producers Guild Award for Best Male Debut. Mr.

Khan's role in the Luck Film coincided with his rising stardom, with media outlets across India dubbing him the most promising newcomer and star of tomorrow.

38. Mr. Dutt stars as Karim Musa in the Luck Film, the crime boss who is at the core of the deadly games played by contestants. He has received praise during his storied career in film, winning two Filmfare Awards, three Star Screen Awards, two International Indian Film Academy Awards, and several others, while also being nominated for various other prestigious awards in Indian cinema.

39. Mithun Chakraborty, another Bollywood mainstay, plays the role of Major Jabar Pratap Singh, one of the contestants. Mr. Chakraborty rose to stardom in the 1980s, and received critical and commercial acclaim for his roles, receiving three National Film Awards, four Filmfare Awards, and a Screen Award, while also receiving 17 nominations for various other film awards in his career. Even after the success of the Luck Film, Mr. Chakraborty continued to star in successful films until he embarked on a political career, becoming a Member of the Parliament of India in 2014.

40. Shruti Haasan stars as Ayesha, the love interest of the main character. The Luck Film represents Ms. Haasan's acting debut, jumpstarting an impressive career. Ms. Hassan is the daughter of Kamal Haasan, a pioneer in Indian film, long considered one of the finest and most famous actors in Indian cinema, appearing in hundreds of movies as an actor, and dozens of others as a writer, director, or producer.

41. Mr. Shah has received critical praise for the Luck Screenplay as expressed in the Luck Film. On July 24, 2009, Filmibeat.com, praising the Luck Film as "hi-concept," raved that

"Luck may have loads of thrills, but director Soham Shah ensures that the grand canvas and stylised thrills appeal to every strata of movie-going audience."[8]

42. The New Indian Express, in an article dated July 25, 2009 and updated on May 15, 2012, referred to the "dialogues by Soham Shah" as one of the "real heroes of this tale of perverse heroism." The article goes on to say, "You love Shah for making such telling use of Mithun [Chakraborty] and Danny's immense rabble-rousing personalities."[9] Acknowledging the powerful themes of Luck, The New Indian Press credited Mr. Shah's insightful perspective: "Shah's film shows materialism to be the motivating mantra of modern times."

II. Squid Game I

A. Background

43. Defendant Dong-hyuk has publicly claimed to have first written the story of Squid Game in 2009 as a feature film, the same year Luck was released globally.[10] Dong-hyuk was living in South Korea working in the film industry having previously studied film at the University of Southern California.

44. Upon information and belief, Squid Game was not publicly produced, sold, or published until it was presented to Netflix in 2018 or 2019.

---

[8] *See* Taran Adarsh, *Luck – Review*, filmibeat.com (July 24, 2009), https://www.filmibeat.com/bollywood/reviews/2009/luck-review-240709.html (last visited September 12, 2024).

[9] *See Luck*, The New Indian Express (July 25, 2009, *updated on* May 15, 2012), https://www.newindianexpress.com/entertainment/review/2009/Jul/25/luck-71006.html (last visited September 12, 2024).

[10] *See* R.O. Kwon, *How* Squid Game *Turned Rage and Desperation Into a Radical Hit*, Vanity Fair (May 18, 2022), https://www.vanityfair.com/hollywood/2022/05/squid-game-season-2-awards-insider#:~:text=In%202009%2C%20director%20Hwang%20Dong,were%20his%20mother%20and%20grandmother (last visited September 12, 2024).

45. Dong-hyuk states that he based the concept of Squid Game I on his own economic struggles early after the release of his first feature film, *My Father,* in 2007. *My Father* was based on a true story about an adopted son searching for his biological parents who finds his father on death row for murder. *My Father* did well at the box office, but Dong-hyuk failed to consult or obtain permission from the families of the victims of the real-life killer, resulting in the film's controversy and Dong-hyuk's difficulties obtaining any further investments for his next films. He claims to have conceived Squid Game as a result of being helpless and broke and thought if he could earn a huge prize as he saw in the comic books he read, he himself would join such a game.[11]

46. Dong-hyuk's public "creation" story remains somewhat vague and does not appear to indicate that he learned any lessons from his experience with *My Father*, including suffering the consequences of failing to obtain the needed permissions and licenses for his work.

B. Plot

47. Squid Game I also involves desperate players who, for their own reasons and circumstances, after being enticed by a mysterious front man choose to play unknown games for a chance to win a large sum of cash. Upon their agreement to play, these players are gassed to sleep and transported in a rough manner to a mysterious location, where they wear track suits with their player numbers. These players learn for the first time upon their arrival that losing the games means death – and that each death of another player increases the purse for the winner. There are other people watching the games for sport and betting on the players.

[11] *See* Spyscape, *Hwang Dong-hyuk Squid Game's True Superhero of Deaf Children*, Spyscape.com (, https://spyscape.com/article/hwang-dong-hyuk-squid-game-creator-and-true-superhero-of-deaf-children (last visited on September 12, 2024).

48. Squid Game I's protagonist, Seong Gi-hun, is also an indebted, unmarried (divorced) man who lives with his widowed mother. Gi-hun is also desperately indebted to loan sharks and seeks to keep the desperate nature and extent of his indebtedness a secret from his mother. Gi-hun is approached by a mysterious frontman and given a taste of the possibility of winning much cash from a simple game (*ddakji*), with risk to personal well-being.

49. Gi-hun is at first disgusted by the price to play the game even though the winnings are almost irresistible. But, upon returning to his desperate situation, Gi-hun changes his mind. Squid Game I then unfolds with the exciting and suspenseful depiction of the life and death games, as we learn details of the desperate circumstances of certain other players, the moral choices they face and struggle with, and the alliances and relationships they forge – and betray – as they participate in this fundamentally inhuman enterprise.

C. Commercial Effect

50. The release of Squid Game I had a profound impact on viewers and markets all around the world. In just four weeks after its release in September 2021, the Korean-based show was seen by 142 million households and was smashing all kinds of records for viewership in the streaming era.[12]

51. Squid Game I received 14 Primetime Emmy Award nominations in 2022, winning six total Emmy Awards, which include wins in the major categories "Outstanding Directing for a Drama Series," won by Defendant Dong-hyuk, and "Outstanding Lead Actor in a Drama Series." Squid Game I became the first non-English language work to be nominated for the prestigious award of "Outstanding Drama Series." Lee Jung-jae, who played the character Seong Gi-hun,

[12] *See* Daniel Thomas, *Squid Game helps Netflix subscriptions pick up*, BBC.com (Oct. 20, 2021), https://www.bbc.com/news/business-58976204 (last visited September 12, 2024).

became the first Asian actor to win the Emmy for Outstanding Lead Actor in a Drama Series. Three other actors received Emmy nominations in supporting roles.

52. In addition to being a critical success and pop culture mainstay, Squid Game I was also a commercial success, as set forth below in Section V.

III. Defendants' Access to the Luck Screenplay and the Luck Film

53. Netflix obtained access to the Luck Screenplay and the Luck Film as a result of the worldwide release of the Luck Film, its considerable advertising and marketing, and through popularity gained from its popular cast and actors.

54. The Luck Film was widely disseminated at the time of the copying, had considerable commercial success, and was and is readily available in the Indian and worldwide markets for films, including the United States market, all markets in which Netflix participates.

55. Moreover, Netflix has a strong presence and a vested interest in the Indian film industry. In 2018, Netflix CEO Ted Sarandos described "very specific initiatives" to expand in the Indian market, with the hope of adding 100 million subscribers in India alone.[13]

56. In addition, Mr. Shah's directorial debut, *Kaal* (2005) is featured on Netflix's streaming platform, and the Netflix Original Film "Skater Girl," released in 2021, uses the same composer team as in the Luck Film, Salim and Sulaiman Merchant.

57. The Luck Screenplay is accessed both by a film viewer hearing the spoken dialogue, and through reading the printed subtitles on the screen. The Luck Story is similarly accessed in material part through its derivative Luck Screenplay.

[13] Karen Gilchrist, *India, not China, to take center stage in Netflix's expansion plan in Asia*, CNBC.com (Nov. 8, 2018), https://www.cnbc.com/2018/11/08/netflix-to-expand-audience-across-asia-focus-on-india-not-china.html (last visited September 12, 2024).

58. As one of the world's leading entertainment services in television series and films, it is more than reasonably probable that Netflix has had access to the Luck Film, the Luck Story and the Luck Screenplay since at least as early as 2009.

59. Upon information and belief, Dong-hyuk also had access to the Luck Film by virtue of his large role in the film making industry, his film education, contacts, and Masters of Fine Arts degree in film from the University of Southern California, his specific interest in non-English content films, and the storied mutual interest in, and borrowing of, films produced by the Indian and South Korean film industries.

IV. Similarities Between the Luck Screenplay, the Luck Film, and Squid Game I

60. The similarities between Luck and Squid Game I are both substantial and striking. The protectible elements of Mr. Shah's copyrighted work, such as the plot, characters, themes, mood, sequence of events, total concept, and feel, have all been infringed by Squid Game I and its derivative properties.

A. Similarities in Plot

61. As set forth above, the plots of Luck and Squid Game I are substantially similar, if not nearly identical. They include:

- Desperate players;
- All of whom are indebted in some way;
- Who are tempted to join a mysterious, high-stakes game;
- In order to win large sums of money and repay their debts;
- A representative of the "boss" gives the main character, who already has a penchant for gambling, a taste of what it is like to win a lower-stakes gambling game;

- The mysterious frontman has done extensive research on, and is aware of the entire life story, including financial condition, of each of the characters that he approaches to entice to play the deadly games;
- And while the main character enjoys his taste, he is also disgusted with himself and against going forward;
- Upon returning to his life of monotony and desperation, the main character accepts the invitation to the mysterious game;
- The characters are blindfolded/incapacitated and secretly transported to an unknown location;
- The characters are dehumanized and identified by number;
- The characters learn for the first time that the consequence for not winning any given challenge means death;
- Certain characters try to leave the games, and the seemingly-legitimate option to leave turns out to be illusory;
- While some of the characters display aggression and psychopathy, the main character tries to form connections with others to stay alive;
- Wealthy onlookers watch from afar, gamble on the contestants, and revel the barbaric nature of the games, while the games depict the underground ring that operates the business of making money through human betting;
- The main character survives until the end of the competition and wins the prize money, learning about himself in the process; and
- Ultimately realizing that the people in his life, not the money at his disposal, are the most important thing in life.

B. Similarities in Characters

62. These plot points are expressed in overtly similar ways, and are advanced through characters with substantially similar traits. Not only do certain Luck characters have obvious analogs in Squid Game characters, but certain material character traits that advance the plot or reflect important themes can be found in various characters, analogs or otherwise.

63. Examples of parallels in the analog characters are as follows:

- Ram Mehra and Seong Gi-hun (Player 456)
    i. Both Ram and Gi-hun are raised poor;
    ii. Both Ram and Gi-hun have debt that needs to be repaid;
    iii. Both Ram and Gi-hun owe debts to loan sharks and will face physical harm of the debts are not repaid;
    iv. Both Ram and Gi-hun have aging and widowed mothers;
    v. Both Ram and Gi-hun have lost their fathers.
    vi. Both Ram and Gi-hun demonstrate a weakness for gambling;
    vii. Both Ram and Gi-hun reach new lows when trying to steal money from ATMs out of accounts that do not belong to them;
    viii. Both Ram and Gi-hun are reluctant to join the mysterious game at first;
    ix. Both Ram and Gi-hun give in to the temptation of winning large sums of money once they return to their ordinary lives;
    x. Both Ram and Gi-hun form alliances in order to survive the games;
    xi. Both Ram and Gi-hun befriend older male contestants who act as father figures;

xii. Both Ram and Gi-hun befriend and protect younger, more vulnerable female contestants.

- Shortcut and Ali Abdul (Player 199)
  i. Both Shortcut and Player 199 are from Pakistan;
  ii. Both Shortcut and Player 199 are viewed as outsiders;
  iii. Both Shortcut and Player 199 were abandoned by family and left to fend for themselves;
  iv. Both Shortcut and Player 199 have physical deformities;
  v. Both Shortcut and Player 199 were victims of abuse.
- Raghav Raghuvaran and Jang Deok-su (Player 101)
  i. Both Raghav and Deok-su are criminals;
  ii. Both Raghav and Deok-su have psychopathic tendencies;
  iii. Both Raghav and Deok-su have no remorse for the violence they commit;
  iv. Both Raghav and Deok-su attempt to and/or actually do sexually assault female contestants;
  v. Both Raghav and Deok-su believe that the competition is every man for himself, and show disdain toward the need for genuine alliances.
- Major Jawar Pratap Singh and Oh Il-nam (Player 001)
  i. Both Major and Il-nam are older males;
  ii. Both Major and Il-nam serve as father figures to the main characters who have lost their fathers;

iii. Both Major and Il-nam offer sage words of wisdom throughout the course of the works, often directing the course that the main character will take.

64. Other character traits and related plot points appear throughout the works among the various characters. For example, both Ayesha in Luck and Hwang Jun-ho in Squid Game I are not interested in winning the prize money, but enter the danger intentionally in order to exact revenge against the "boss" on behalf of a sibling who died as a result of their participation in the games.

65. Additionally, both Ali Abdul and Ji-yeong of Squid Game I exhibit self-sacrifice, risking their lives so that others may live. On multiple occasions in Luck, Ram appears to sacrifice himself in order to save the lives of other contestants.

66. The frontman, Tamaang and the unnamed "Suit Man" lack any real personality aside from acting as a mirror to entice the characters to join the deadly games.

67. Finally, Musa and Oh Il-nam, the "bosses" or orchestrators of the deadly games and gambling, are both bored millionaires who want to feel alive. Both Musa and Oh Il-nam seek their thrills by not only organizing and operating the high-stakes competitions, but also by participating in the games themselves.

68. The abundance of similarities in and among the characters of Luck and Squid Game I defies coincidence.

C. Similarities in Themes

69. The themes permeating Luck contribute heavily to the total concept and feel of the work. The themes explored by the Luck Screenplay and copied by Squid Game I include, but are not limited to:

- Financial desperation and its impact on the ethics and morality of the choices the characters make;

    i. Both Luck and Squid Game I explore how one's financial situation colors his or her decision-making process, and the morality of those decisions. Both works explore the morality of murder in the context of self-preservation.

- Perseverance and the will to survive in extreme conditions;

    i. Both Luck and Squid Game I depict characters exceeding their previously understood moral and physical limits in order to survive.

- Trust and loyalty;

    i. Characters in both Luck and Squid Game I grapple with whether and how to trust others to succeed in the games.

- Human connection;

    i. Both Luck and Squid Game I tackle themes of friendship, betrayal, and loss.

- Class disparity and the caste system;

    i. Both Luck and Squid Game I expose class and wealth disparity and their impact on the choices available to characters.

- The corruption of humanity by greed.

    i. Both Luck and Squid Game I provide a perspective on the many ways money and greed shape the events, characters and ultimately degrade humanity.

70. The expression of plot, characters, and themes is strikingly similar between the two works.

71. In addition, there are other unmistakable parallels between Luck and Squid Game I in their imagery and representational devices, making their independent creation unlikely.

72. Both use imagery of children, most likely reflecting the past, or the innocence of the characters in their childhood. At the very outset of Luck, and the very end of Squid Game I, four children are shown standing in a line with a lighting filter to represent a flashback in time.

73. Both works place a pivotal plot scene in an ATM vestibule. Each main character's moment of hitting rock bottom is expressed by and through an attempt to rob an ATM. In both works, the main character must flee to escape being caught and in so doing runs into another character, propelling a plot point forward.

74. Both the Luck Film and Squid Game I express the human depravity that is the engine for the orchestrated games with wealthy individuals reveling in the dark nature of the games. They are surrounded by excess, money, and other assets, while watching the contestants on multiple screens resembling a grid on a wall.

75. Squid Game I also copied the same color scheme and tone in its marketing materials as the Luck Film, utilizing identical stark red and black color schemes and conveying a dystopian tone and theme.

D. Public Outcry Over the Striking Similarities

76. The striking similarities between Luck and Squid Game I were not lost on the public. Following the release of Squid Game I, in the three days between September 28, 2021 and October 1, 2021 alone, movie watchers and the media alike rushed to the Internet to note the many similarities between the two works.

77. On October 4, 2021, Boxofficeworldwide.com, an Indian website for box office information, reviews, and movie news, aptly compared Luck and Squid Game I by stating that

they both "concentrate around people who are thirsty for money and compete with one another in dangerous games in order to earn the fortune promised by a bored millionaire."[14]

78. Below are but a few examples of the online discussion compiled from X (formerly known as Twitter):[15]

- @rish1t: "People saying squid game is a really unique show haven't watched Luck"
- @TanyaSharma_94: "#SquidGame, a mafia leader, gives a bunch of people an opportunity to turn their luck around and earn a hefty amount. They are required to deadly play games while people bet on game #SquidGame Sounds familiar? Its #Bollywood movie #luck released in 2009"
- @rasputinforeal: "Bollywood did squid game first yall"
- @TwinMomTravels: "Ok does #SquidGames remind anyone else of that Sanjay Dutt, Shruti Haasan film LUCK?! It's like the TV show form of the movie!"
- @narddog131: "WHO SAID SQUID GAME IS COOL AND DARK??!!!! HAVE YOU EVER WATCHED IMRAN KHAN'S LUCK"
- @ambar_2015: "Completed #SquidGame and really entertained myself a lot.. But felt like its an extended version of our own #Bollywood movie #Luck in 2009.. It has Musa bhai by @duttsanjay, a lot better than #FrontMan"
- @NSYHJKTJJ: "Squid game is the advanced version of luck (Bollywood movie)…"
- @sooyashosie: "you know i don't understand hype about squid game that show is 3rd class copy of Bollywood movie Luck"
- @dlostmannequin: "Korean show Squid Game resembles the Bollywood movie 'Luck' in a hefty lot of ways:

---

[14] *See 'Bollywood did it first', Netizens compare Netflix's Squid Game to Sanjay Dutt's film, Luck!*, BoxOfficeWorldwide.com (Oct. 4, 2021), https://boxofficeworldwide.com/movies-latest-news/bollywood-did-it-first-netizens-compare-netflixs-squid-game-to-sanjay-dutts-film-luck/ (last visited September 12, 2024).

[15] *See* Garima Satija, *Bollywood Did It First! The Internet Points Out That Sanjay Dutt's Luck Was The OG 'Squid Game'*, IndiaTimes.com (Oct. 2, 2021), https://www.indiatimes.com/entertainment/bollywood-did-it-first-the-internet-points-out-that-sanjay-dutts-luck-was-the-og-squid-game-550729.html (last visited September 12, 2024).

- @billieshosie: "squid game is so similar to Bollywood movie LUCK…"

V. Financial Impact of Squid Game I

A. Value to Netflix

79. Squid Game I received universal critical acclaim, becoming Netflix's "biggest-ever series at launch." Squid Game I was the number one show on Netflix in 94 countries around the world.[16]

80. According to Bloomberg, Squid Game I created $900 million in value for Netflix, based on an "impact value" metric that Netflix uses to assess the performance of individual shows:

> The South Korean show, about indebted people in a deadly contest for a cash prize, generated $891.1 million in impact value, a metric the company uses to assess the performance from individual shows. The show cost just $21.4 million to produce -- about $2.4 million an episode. Those figures are just for the first season, and stem from a document that details Netflix's performance metrics for the show.[17]

81. A show's "impact value" is a proprietary metric used by Netflix to consider a property's respective economic contribution while factoring in subscriber costs and other additional revenues.[18]

82. From a monetary standpoint, Netflix's main source of revenue is through monthly subscriptions. In the third quarter of 2021, when Squid Game I was released, Netflix's subscriber

---

[16] *See* Frank Pallotta and Liz Kang, *Exclusive: Squid Game is Netflix's 'biggest ever' series launch*, CNN.com (Oct. 12, 2021), https://www.cnn.com/2021/10/12/media/squid-game-netflix-viewership/index.html (last visited September 12, 2024).

[17] *See* Lucas Shaw, *Netflix Estimates 'Squid Game' Will Be Worth Almost $900 Million*, Bloomberg.com (Oct. 16, 2021), https://www.bloomberg.com/news/articles/2021-10-17/squid-game-season-2-series-worth-900-million-to-netflix-so-far (last visited September 12, 2024).

[18] *See* Joey Paur, *Netflix's SQUID GAME Has Generated Almost a Billion Dollars in 'Impact Value'*, GeekTyrant.com (2021), https://geektyrant.com/news/netflixs-squid-game-has-generated-almost-a-billion-dollars-in-impact-value (last visited September 12, 2024).

base grew by 4.4 million people. Netflix's third-quarter revenue increased by 16% from the year prior, up to $7.5 billion.[19]

83. But for Netflix, hours consumed are king. Within the first 28 days of its release, Squid Game I set a Netflix record with 1.65 billion viewing hours.[20] Hours consumed will become even more important when Netflix introduces a lower-cost subscription model with ads to obtain another revenue stream from advertisers.

84. Netflix uses other metrics, in addition to "impact value," to analyze the success of its content. For example, current and former employers have stated that Netflix's evaluation of its content begins with "Adjusted View Share" (or "AVS"). Adjusted View Share reflects not only how many people watch the show, but also how valuable those viewers are. A viewer who does not use Netflix often, or is a new customer, is more likely to cancel his or her subscription than someone who uses Netflix frequently, and is therefore a more valuable viewer, and the show's value increases because it kept a subscriber from cancelling his or her subscription. Squid Game I's Adjusted View Share was 353. For context, an AVS score of 9 or 10 is considered high.[21]

---

[19] *See* Harri Weber, *Propelled by 'Squid Game,' Netflix Boosts Its Subscriber Base to 214 Million*, dot.LA (Oct. 19, 2021), https://dot.la/netflix-2655325058.html (last visited September 12, 2024).

[20] *See* Max Kim, *Netflix turns to South Korean writers and crews as Hollywood strikes. But they feel exploited too*, LATimes.com (June 28, 2023), https://www.latimes.com/world-nation/story/2023-06-28/netflix-dominates-the-south-korean-entertainment-industry-but-has-done-little-to-raise-labor-standards (last visited September 12, 2024); *see also* Jordan Moreau, *'Squid Game: The Challenge' Renewed for Season 2 at Netflix, Casting Now Open*, Variety.com (Dec. 6, 2023) https://variety.com/2023/tv/news/squid-game-the-challenge-season-2-casting-1235822776/ (last visited September 12, 2024).

[21] *See* Lucas Shaw, *Netflix Estimates 'Squid Game' Will Be Worth Almost $900 Million*, Bloomberg.com (Oct. 16, 2021), https://www.bloomberg.com/news/articles/2021-10-17/squid-game-season-2-series-worth-900-million-to-netflix-so-far (last visited September 12, 2024).

85. Netflix will also look to a show's Efficiency Score, a ratio comparing a show's AVS to its cost. According to internal documents viewed by Bloomberg, Squid Game I obtained an Efficiency Score of 41.7, when an Efficiency Score of 1.0X is considered to be "solid."[22]

86. By any metric, Squid Game I brought massive value to Netflix.

B. Netflix Further Infringes Luck Through Its Own Derivative Works

87. As a result of the enormous success of Squid Game I, Netflix has further infringed Mr. Shah's copyrights through several derivative works, each of which benefit Netflix at the expense of the unauthorized exploitation of Luck.

88. A second season of Squid Game, Squid Game II, has been filmed and is expected to be released in December 2024.[23]

89. A third season of Squid Game, Squid Game III, has also been filmed and is expected to be released sometime in the course of 2025.[24]

90. While Squid Game I had a modest budget of $2.4 million per episode, totaling $21.4 million, Squid Game II has a projected budget of nearly three times more, at $70 million.[25]

91. In addition to Squid Game II and Squid Game III, Squid Game I has also spawned Squid Game: The Challenge, which uses the same high-stakes competition concept from the Luck Film and Squid Game I, allowing contestants to compete for large sums of money (albeit,

---

[22] *See* Lucas Shaw, *Netflix Estimates 'Squid Game' Will Be Worth Almost $900 Million*, Bloomberg.com (Oct. 16, 2021), https://www.bloomberg.com/news/articles/2021-10-17/squid-game-season-2-series-worth-900-million-to-netflix-so-far (last visited September 12, 2024).

[23] *See* Ariana Romero, *Squid Game Season 2 Will Premiere in December*, Netflix.com (Aug. 12, 2024), https://www.netflix.com/tudum/articles/squid-game-season-2-confirmed (last visited on September 12, 2024).

[24] *See* Ariana Romero, *Squid Game Season 3 to Premiere in 2025*, Netflix.com (Aug. 7, 2024), https://www.netflix.com/tudum/articles/squid-game-season-3-plot-release-date-news (last visited on September 12, 2024).

[25] *See* Solium-Yoon, *Lee Jung Jae reportedly being paid $700,000 USD per episode for 'Squid Game' season 2*, allkpop.com (Oct. 11, 2022) https://www.allkpop.com/article/2022/10/lee-jung-jae-reportedly-being-paid-700000-usd-per-episode-for-squid-game-season-2 (last visited on September 12, 2024).

without death as a penalty). Squid Game: The Challenge was Number 1 on Netflix's list of Top 10 English-language shows for two weeks after its release in 2023. After the first 21 days, the show garnered over 224 million hours watched from subscribers. As of the time of the release of Squid Game: The Challenge, the show had the largest overall single cash prize in reality television history (which has since been surpassed).[26]

92. A second season of Squid Game: The Challenge was announced in December 2023 ("Squid Game: The Challenge II").[27]

93. Additionally, Netflix announced that it was working with Dong-hyuk to create a mockumentary inspired by Squid Game's success, entitled "The Best Show on the Planet." This comedy mockumentary came about as a result of Squid Game I's rapid success, and will comment on many of the protectible elements copied from the Luck Screenplay as expressed in the Luck Film.[28]

94. As an additional source of revenue, Netflix.shop has a merchandise store where fans can purchase clothing, action figures, collectibles, and other items from Squid Game I and Squid Game: The Challenge. Similar merchandise can also be found at retails stores such as Hot Topic.[29]

---

[26] *See* Denise Petski, *'Beast Games' Competition Series From YouTuber MrBeast Ordered By Prime Video With $5 Million Payout*, Deadline.com (Mar. 18, 2024), https://deadline.com/2024/03/beast-games-competition-series-mrbeast-prime-video-1235861125/ (last visited on September 12, 2024).

[27] *See* Cole Delbyck, *Squid Game: The Challenge Gets the Green Light for Season 2*, Netflix.com (Aug. 13, 2024), https://www.netflix.com/tudum/articles/squid-game-the-challenge-season-2-release-date-news (last visited on September 12, 2024).

[28] *See* Max Goldbart, *'Squid Game' Creator Hwang Dong-hyuk Developing Satire Based On Success Of 'Squid Game' Titled 'The Best Show On The Planet'*, Deadline.com (May 19, 2022), https://deadline.com/2022/05/squid-game-creator-satire-best-show-on-the-planet-1235027013/ (last visited on September 12, 2024).

[29] *See* Hot Topic: Squid Game, HotTopic.com, https://www.hottopic.com/pop-culture/?cgid=pop-culture&prefn1=license&prefv1=Squid+Game (last visited on September 12, 2024).

95. Finally, Netflix put together an event known as "Squid Game: The Trials," in December 2023, taking place in Los Angeles, California, which promised to transport attendees to "the high-stakes *Squid Game* universe," and allowed those attendees, for a $39 ticket price, to participate in a series escalating challenges to earn points. As explained by Netflix, "The ultimate winner needs nerves of steel, cunning strategy, *and a touch of luck*." (emphasis added).[30] This event will be reprised as Squid Games: The Experience in New York City next month, accompanied by the Squid Mart merchandising store.

96. Each of these derivative works is spawned from Squid Game I and infringes Mr. Shah's copyrighted interests in the works.

97. However, these are only the revenue streams that have been made public to date, and that Plaintiff can identify through readily available public sources. It remains to be seen what other infringing projects are generating revenues in ways that are less visible or that are under development and not known to the public.

98. On July 8, 2024, Mr. Shah, through counsel, sent a cease-and-desist letter to Netflix demanding that defendants address the infringement and cease further unlawful activities. On August 5, 2024, Netflix responded, denying any liability and declining to further discuss the matter.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT OF THE LUCK SCREENPLAY

99. Mr. Shah repeats the allegations of the preceding paragraphs as though fully set forth herein.

---

[30] *See* Josh Simon, *Experience Squid Game: The Trials in Los Angeles This December*, Netflix.com (Oct. 5, 2023), https://about.netflix.com/en/news/experience-squid-game-the-trials-in-los-angeles-this-december (last visited on September 12, 2024).

100. The Luck Screenplay is an original work containing copyrightable subject matter for which copyright protection exists under 17 U.S.C. § 101, *et seq.* and the Berne Convention, by virtue of Indian copyright law.

101. Absent a writing to the contrary, copyright ownership vests automatically in the author of the work, i.e., the party which fixes a work into a tangible medium of expression entitled to copyright protection. Here, Mr. Shah created the Luck Screenplay and retained exclusive ownership rights at all times since its creation.

102. Ms. Shah has also filed an application, bearing Case No. 1-14241073361, for registration of the Luck Screenplay with the United States Copyright Office.

103. Defendants have copied protected elements of the Luck Screenplay in violation of 17 U.S.C. § 101, *et seq*. Defendants have also created derivative works therefrom, further benefiting from their infringement to the detriment of Mr. Shah.

104. Defendants had access to the Luck Screenplay at the time of the infringement.

105. Squid Game I and its derivative works are substantially and/or strikingly similar to the Luck Screenplay.

106. Defendants' infringing conduct alleged herein was and continues to be willful and with full knowledge of Mr. Shah's rights in the Luck Screenplay and has enabled Defendants to obtain profit illegally therefrom.

107. As a direct and proximate result of Defendants' infringing conduct alleged herein, Mr. Shah has been harmed and is entitled to damages in an amount to be proven at trial.

108. Pursuant to 17 U.S.C. § 504(b), Mr. Shah is entitled to recovery of Defendants' profits attributable to their infringing conduct alleged herein, including from any and all profits obtained as a result of copying Mr. Shah's protected work, and an accounting of and a constructive

trust with respect to such profits. This includes, but is not limited to, all profits obtained from Squid Game I, Squid Game II, Squid Game III, Squid Game: The Challenge, Squid Game: The Challenge II, Squid Game: The Trials, Squid Game: The Experience, and The Best Show on the Planet, and those profits derived from Netflix.shop, Hot Topic, and any other retailers or stores relating to the foregoing works.

SECOND CAUSE OF ACTION
COPYRIGHT INFRINGEMENT OF THE LUCK FILM

109. Mr. Shah repeats the allegations of the preceding paragraphs as though fully set forth herein.

110. The Luck Film is an original work containing copyrightable subject matter for which copyright protection exists under 17 U.S.C. § 101, *et seq.* and the Berne Convention.

111. Absent a writing to the contrary, copyright ownership vests automatically in the author of the work, i.e., the party which fixes a work into a tangible medium of expression entitled to copyright protection. Here, Mr. Shah created the Luck Story and Luck Screenplay and other elements of the Luck Film and under the Indian Copyright Act, he retains a copyright ownership interest in the Luck Film.

112. Defendants have copied protected elements of the Luck Film in violation of 17 U.S.C. § 101, *et seq*. Netflix has also created derivative works therefrom, further benefiting from its infringement to the detriment of Mr. Shah.

113. Defendants had access to the Luck Film at the time of the infringement.

114. Squid Game I and its derivative works are substantially and/or strikingly similar to the Luck Film.

115. Defendants' infringing conduct alleged herein was and continues to be willful and with full knowledge of Mr. Shah's rights in the Luck Film and has enabled Netflix to obtain profit illegally therefrom.

116. Pursuant to 17 U.S.C. § 504(b), Mr. Shah is entitled to recovery of Netflix's profits attributable to Netflix's infringing conduct alleged herein, including from any and all profits obtained as a result of copying Mr. Shah's protected work, and an accounting of and a constructive trust with respect to such profits. This includes, but is not limited to, all profits obtained from Squid Game I, Squid Game II, Squid Game III, Squid Game: The Challenge, Squid Game: The Challenge II, Squid Game: The Trials, and The Best Show on the Planet, and those profits derived from Netflix.shop, Hot Topic, and any other retailers or stores relating to the foregoing works.

WHEREFORE, Plaintiff demands judgment on all Counts of the Complaint and requests that the Court enter judgment in Plaintiff's favor and against Defendants in the Complaint as follows:

1. On the First Cause of Action, awarding Plaintiff actual damages in an amount to be determined at trial, plus pre-judgment interest, and an accounting of and constructive trust with respect to such profits;

2. On the Second Cause of Action, awarding Plaintiff actual damages in an amount to be determined at trial, plus pre-judgment interest, and an accounting of and constructive trust with respect to such profits;

3. Enjoining Defendant, as well as its parents, subsidiaries, affiliates, agents, employees, servants, attorneys, successors, and assigns, either directly or indirectly in active concert with any other, from (1) infringing Plaintiff's copyrights through the unlawful marketing and streaming of the infringing works, (2) profiting from the sale of merchandise which

infringes Plaintiff's copyrights, and (3) developing other shows and works which may infringe Plaintiff's copyrights in the future;

4. Awarding attorneys' fees and costs in accordance with 17 U.S.C. §505; and

5. Awarding such other and further relief as the Court deems just and proper.

Dated: September 13, 2024

KIRSCH & NIEHAUS PLLC

By: */s/ Emily B. Kirsch*
Emily B. Kirsch
Craig S. Tarasoff
950 Third Avenue, Suite 1900
New York, NY 10022
Tel.: (646) 415-7530
Fax: (212) 624-0223
Email: emily.kirsch@kirschniehaus.com
craig.tarasoff@kirschniehaus.com

Attorneys for Plaintiff Soham Shah