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11 Attorneys for Plaintiff
12 Invisible Narratives LLC

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 INVISIBLE NARRATIVES LLC,

16 Plaintiff,

17 v.

18 NEXT LEVEL APPS TECHNOLOGY –
19 FZCO,

20 Defendant.

CASE NO.

COMPLAINT

DEMAND FOR JURY TRIAL

21
22 Plaintiff Invisible Narratives LLC (“Invisible Narratives” or “Plaintiff”), by and through its
23 undersigned attorneys, hereby file this Complaint against Defendant Next Level Apps Technology -
24 FZCO (“Next Level” or “Defendant”), and alleges as follows:

25 **NATURE OF ACTION**

26 1. This is an action for an injunction, damages, and other appropriate relief arising from Next
27 Level’s brazen attempts to steal Invisible Narratives’ intellectual property in and to the viral Skibidi
28

1 Toilet™ multimedia franchise (“Skibidi Toilet”) and falsely claim that it is the creator and owner of this
2 cultural phenomenon.

3 2. The principals of Next Level are professional scam artists and extortionists who engage in
4 schemes with a common theme, and Invisible Narratives is their latest victim. Next Level has fraudulently
5 obtained intellectual property rights that rightfully belong to Invisible Narratives, the rightful owner of
6 Skibidi Toilet, and weaponized them against Invisible Narratives in an attempt to disrupt Invisible
7 Narratives’ business operations and extort payment from Invisible Narratives.

8 3. For example, just over two weeks ago, Next Level submitted a false Notification of
9 Claimed Infringement (“DMCA Takedown Notice”) to YouTube under the Digital Millennium Copyright
10 Act (“DMCA”) to remove the most recent Skibidi Toilet video which had 18.6 million views before its
11 removal. Afterward, Next Level contacted Invisible Narratives twice, “suggest[ing] that you enter into a
12 dialog with us and resolve all contentious issues through negotiations, which will save time and budget”
13 and threatening to “takedown another video” if Invisible Narratives did not comply. Next Level’s
14 fraudulent DMCA Takedown Notice and related conduct is jeopardizing the very existence of the
15 *DaFuq!?Boom!* YouTube channel located at <https://www.youtube.com/dafuqboom> (the “Boom
16 Channel”), which is the exclusive location for the publication of all new authentic Skibidi Toilet episodes,
17 and thus the foundation of Invisible Narrative’s Skibidi Toilet business and the center of the Skibidi Toilet
18 universe.

19 4. Among other things, Next Level has willfully infringed the copyrights in and to Skibidi
20 Toilet, by unlawfully reproducing, distributing, displaying, and preparing derivative works based on
21 Skibidi Toilet episodes and the characters therein, on the unlawfully-registered website skibiditoilet.com,
22 on Next Level’s social media accounts, and in infringing apps that Next Level has offered for sale on
23 Apple’s App Store and Google Play.

24 5. Worse yet, Next Level has baldly lied to Skibidi Toilet fans everywhere, content platforms,
25 and the general public—falsely claiming that Next Level created and owns the Skibidi Toilet franchise
26 and that Invisible Narratives’ legitimate Skibidi Toilet episodes are infringements of *Next Level’s*
27 purported rights. In addition to the false DMCA Takedown Notice submitted to YouTube, Next Level
28 submitted false counter notices in response to Invisible Narrative’s legitimate DMCA Takedown Notices

1 to Apple and Google regarding Next Level’s infringing apps on those platforms, falsely claiming that *Next*
2 *Level* created and owns the exclusive rights in Skibidi Toilet and that those apps were not infringing.

3 6. Next Level also submitted infringing reproductions of Invisible Narratives’ copyrighted
4 images to the United States Copyright Office (“Copyright Office”), in order to falsely obtain United States
5 copyright registrations. Next Level has also submitted infringing images to various trademark offices
6 around the world, including the United States Patent and Trademark Office (“USPTO”), in connection
7 with fraudulent trademark applications in the name of Next Level.

8 7. The principals of Next Level are facing identical allegations of intellectual property theft
9 in another lawsuit pending in this District. In a nearly identical scheme to the one perpetrated against
10 Invisible Narratives, Next Level’s principals attempted to claim ownership over the Melon Sandbox game
11 by fraudulently registering copyrights, applying for fraudulent trademark applications, and submitting
12 false DMCA Takedown Notices against the true owner of the intellectual property on platforms including
13 Google Play, the Apple App Store, and YouTube.

14 8. The motive behind Next Level’s fraudulent scheme and its *modus operandi* is clear: By
15 infringing Invisible Narratives’ rights in Skibidi Toilet, filing fraudulent copyright and trademark
16 applications globally, perpetuating the false narrative that Next Level created and owns Skibidi Toilet,
17 and falsely asserting its illegitimate rights against Invisible Narratives, Next Level aims to take down
18 legitimate Skibidi Toilet content and hold hostage Invisible Narratives’ ability to lawfully exploit its
19 intellectual property and Next Level has made clear that it will continue to do until Invisible Narratives
20 pays it a hefty ransom to stop. Rather than pay such a ransom – one that has been shamelessly demanded
21 through a campaign of extortion by email detailed below – Invisible Narratives brings this action to
22 establish its legitimate rights in Skibidi Toilet once and for all, and to hold Next Level to account for its
23 unlawful conduct.

24 **THE PARTIES**

25 9. Plaintiff Invisible Narratives is a limited liability company organized under the laws of the
26 State of Delaware, with a principal place of business in Santa Monica, California. Invisible Narratives is
27 the exclusive owner of all copyright, trademark, and other intellectual property rights associated with
28 Skibidi Toilet and also the exclusive operator of the Boom Channel on YouTube.

1 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

2 **The SKIBIDI TOILET Cultural Phenomenon**

3 15. Skibidi Toilet is a record-setting multimedia franchise that started as a viral animation on
4 YouTube and catapulted to cultural phenomenon. Combining elements of science fiction, action, and dark
5 humor, the Skibidi Toilet series chronicles the chaotic adventures of an alliance of humanoids in a post-
6 apocalyptic universe. A powerful army of alien creatures known as “Skibidi Toilets” have invaded the
7 planet, wiping out almost all of the human race. The only thing standing in the way of world domination
8 is the “Alliance,” a coalition of fighting humanoid robots with devices including TV’s, cameras, and
9 speakers for heads.

10 16. Alexey Gerasimov, also known as DaFuq!?Boom! or Boom (“Boom”) created the Skibidi
11 Toilet animated series. Boom posted the first Skibidi Toilet episode to the Boom Channel on February 7,
12 2023. At that time, The Boom Channel had approximately 1 million subscribers. Since the release of the
13 first episode two years ago, Skibidi Toilet has become a global sensation, and the Boom Channel has
14 experienced exponential growth, becoming one of the fastest growing channels on YouTube, as evidenced
15 by the number of people who have subscribed to the channel since then. Today, the Boom Channel has
16 over 45 million subscribers with over 18.6 billion channel views. The fandom of Skibidi toilet spans the
17 globe, with channel viewers in 191 of the world’s 193 countries. In total, the Skibidi Toilet series has
18 been viewed across the world for a total of 282,501,262 hours, with watch time in the United States alone
19 exceeding 23 million hours.

20 17. Invisible Narratives has developed a trusted relationship with its fanbase, who flood social
21 media with excitement, analyze every single episode of Skibidi Toilet, and anxiously anticipate the next
22 episode to be released on the Boom Channel.

23 **Creation of SKIBIDI TOILET and Its Characters**

24 18. The concept for the Skibidi Toilet series developed over several years. In 2021, Boom had
25 a surreal nightmare of a city overrun by toilets – people riding in toilets, toilets appearing on television,
26 and people with human heads and toilet bodies. This dream provided the inspiration behind the style,
27 narrative, and characters in the Skibidi Toilet series. Boom posted a video on the Boom Channel on
28

1 November 5, 2021 which features the sudden and horrifically funny merge of humans with various
2 objects—including the merging of a human with a toilet to create “toiletman” (the “Toiletman Video”).

3 19. Boom continued to have recurring nightmares about monstrous human/toilet-like creatures
4 and began working on another video in the fall of 2022 based on the same concept. The video took over
5 a month to finalize, and Boom posted the next video exploring toilets and his nightmares on the Boom
6 Channel on December 2, 2022 (the “Toilet Nightmare Video”).

7 20. Less than two weeks later, using the computer program Source Filmmaker, Boom created
8 the first Skibidi Toilet episode on February 6, 2023 based on the Toiletman Video, the Toilet Nightmare
9 Video, and his other recurring nightmares on the subject (“Episode 1”). Episode 1 was very short and
10 features no narration, requiring viewers to use intuition to figure out what is going on by themselves. It
11 is intentionally weird, slightly shocking, and uncanny for a new audience (most notably by a head popping
12 out of a toilet), where nothing is explained, and people have to use their own imagination to determine
13 what happened. A screenshot from Episode 1 of Skibidi Toilet, the primary antagonist and also the iconic
14 face and namesake of the series, is below:



23
24 21. From a creative perspective, Episode 1 is from the point of view of a camera drone that
25 flies in a hotel room after reports of strange “toilet activity.” The purpose of Episode 1 was to establish
26 character and the series’ distinctive shtick and quiriness, only to add progressions in the following short
27 episodes.

1 22. Over time, the Skibidi Toilet universe expanded to encompass a number of plot
2 developments and scenarios involving the “war” between Skibidi Toilets and the Alliance. Boom
3 developed the warring species, or factions, and then, individual protagonists and antagonist characters
4 within each faction, with increasing detail as the series continued. The Alliance consists of three species
5 called Cameramen, Speakermen, and TV men. Within each species there are variants including, for
6 example, Cameraman, Camerawoman, Titan Cameraman, Speakerman, Dark Speakerman, Titan
7 Speakerman, TV Man, TV Woman, Large TV Man, and Titan TV Man. Similarly, the Toilets consist of
8 Skibidi Toilets, Astro Toilets, and Mutant Toilets. Within each division are recognizable characters
9 including Juggernaut Astro Toilet, G-Toilet, Detainer Astro Toilet, Buzzsaw Toilet, Swat Mutant,
10 Buzzsaw Mutant, and Chief Scientist Toilet, just to name a few.

11 23. Boom created Skibidi Toilet—its plot, theme, dialogue, mood, setting, pace, sequence,
12 characters, and relationships between the characters—independently, without reference to, or reproducing
13 these creative elements from anyone else, let alone Next Level and its principals. Over the past two years,
14 Boom has created 25 seasons of the Skibidi Toilet web series, totaling 77 episodes.

15 **The SKIBIDI TOILET Copyrights and Trademarks**

16 24. On October 12, 2023, Boom assigned to Invisible Narratives all rights to the Skibidi Toilet
17 series and concept, including all Skibidi Toilet video and other content existing at that time or later created.
18 The assignment includes, but is not limited to, all copyright and trademark rights and associated goodwill,
19 as well as the exclusive right to operate and use the Boom Channel and a portion of the advertising revenue
20 therefrom. Thus, Invisible Narratives is the owner of, and has standing to enforce, all of the rights asserted
21 in this action.

22 25. Skibidi Toilet comprises a number of works, including audiovisual works and pictorial or
23 graphic works, subject to copyright protection (the “Skibidi Toilet Copyrighted Works”). In particular,
24 the Skibidi Toilet episodes, and images of scenes and characters therefrom, are original works of
25 authorship with considerable creative expression.

26 26. The Skibidi Toilet Copyrighted Works also include a number of unique characters with
27 distinctive physical and conceptual qualities (“Skibidi Toilet Characters”). Skibidi Toilet Characters have
28 been thoroughly delineated and display consistent, widely identifiable traits and attributes throughout the

1 series of Skibidi Toilet episodes, so as to be recognizable as the same character wherever they appear. The
 2 Skibidi Toilet Characters, themselves, are copyrightable works of authorship.

3 27. A number of Skibidi Toilet Copyrighted Works have been registered with the United States
 4 Copyright Office (the “Registered Skibidi Toilet Copyrights”). The current Registered Skibidi Toilet
 5 Copyrights are listed below.¹

<u>Title of Work</u>	<u>Registration Number</u>
Large Cameraman	Vau001536845
Large Speakerman	V Au001536846
Titan Speakerman	V Au001536847
Titan Cameraman	V Au001536946
TV Woman	V Au001536945
Dark Speakerman	V Au001536895
Dark TV Man; Energized TV Man	V Au001536894
Camera Man	V Au001536893
Camerawoman	V Au001536848
Detainer Astro Toilet	V Au001536849
Duchess Astro Toilet	V Au001536850
Juggernaut Astro Toilet	V Au001536851
Large TV Man	V Au001536852
Plungerman	V Au001536844
Chief Scientist Skibidi Toilet	V Au001536853
Mothership Astro Toilet	V Au001536892
Speakerman	V Au001536859
Speakerwoman	V Au001536891

26
 27 ¹ Invisible Narratives is continuing to assess its intellectual property assets and Next Level’s infringement
 28 thereof, and is in the process of registering more Skibidi Toilet Copyrights with the United States
 Copyright Office. Invisible Narratives reserves the right to amend or supplement its Complaint to add
 claims for infringement of currently unregistered Skibidi Toilet Copyrights, as registrations issue for those
 works.

1 Titan TV Man	VAu001536858
2 TV Man	VAu001536857
3 Skibidi Toilet	VAu001536944

4 True and correct copies of the certificates of registration for the current Registered Skibidi Toilet
5 Copyrights are attached hereto as **Exhibit A**.

6 28. Each of the certificates of registration for the Registered Skibidi Toilet Copyrights state
7 that the registrations therefor are “based on deposited pictorial authorship describing, depicting, or
8 embodying character(s)”—i.e., images based on the Skibidi Toilet Characters.

9 29. Invisible Narratives also owns and uses the valuable SKIBIDI TOILET trademark. Since
10 the first Skibidi Toilet Episode was posted to the Boom Channel, Invisible Narratives and Boom, its
11 predecessor-in-interest, have continuously used the SKIBIDI TOILET trademark in commerce to
12 uniquely identify all Skibidi Toilet content posted on the Boom Channel (the “Skibidi Toilet Trademark”).
13 Every single Skibidi Toilet episode displays the Skibidi Toilet Trademark such that SKIBIDI TOILET is
14 associated in the minds of the public, including consumers in this District, with the Boom Channel.

15 30. Invisible Narratives has built and promoted significant goodwill with regard to the Skibidi
16 Toilet Trademark and has established an excellent reputation in the field of multimedia entertainment
17 since the first Skibidi Toilet Episode was released over two years ago. The Boom Channel has over 45
18 million subscribers, and the first Skibidi Toilet episode alone has over 224 million views. The Washington
19 Post reported that Skibidi Toilet videos had been viewed more than 65 billion times in 2023 alone and
20 YouTube identified Skibidi Toilet as a trending topic.

21 31. Further, the Skibidi Toilet multimedia franchise has also been the subject of extensive
22 media coverage and promotion including unsolicited articles from a variety of mainstream publications
23 including the New York Times, Forbes, People, Rolling Stone, Business Insider, CNN, and Wired,
24 features, social media/blog posts, and other media entries from third parties, which refer to content on
25 Boom’s channel using the Skibidi Toilet Trademark.

26 32. As a result of substantial viewership and widespread media coverage over the past two
27 years, the Skibidi Toilet Trademark have become widely and favorably known as identifying the Boom
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1 Channel as the sole source of authentic Skibidi Toilet content such that the Skibidi Toilet Trademark has
2 developed secondary meaning.

3 Defendant's Unlawful Conduct

4 33. Rather than license, acquire, or create its own content, Next Level is attempting to steal the
5 Skibidi Toilet franchise from Invisible Narratives. Next Level and its proprietors are imposters, making
6 false claims that they created Skibidi Toilet, and are attempting to co-opt the Skibidi Toilet brand and
7 content to Invisible Narratives' great detriment. Next Level's shareholders have done this before and are
8 currently in default in a pending case in this Court involving an identical scheme involving obtaining
9 fraudulent intellectual property and weaponizing it against the true owner by filing false DMCA Takedown
10 Notices against authentic content. *See Ducky Ltd. v. Iviliia Millionic IT SP Z.O.O.* Case No. 3:24-cv-
11 02268-PHK (N.D. Cal).

12 34. Here, in contravention of Invisible Narratives' rights, Next Level has created a mobile
13 gaming application ("app") available on Apple's App Store and the Google Play Store, marketed under
14 the name Skibidi Toilet (the "Infringing App"). The Infringing App contains unauthorized reproductions
15 of, or derivative works based on, images, characters, audiovisual material, and other copyrightable
16 elements of Skibidi Toilet Copyrighted Works ("Infringing Material"). *See Exhibit B.*

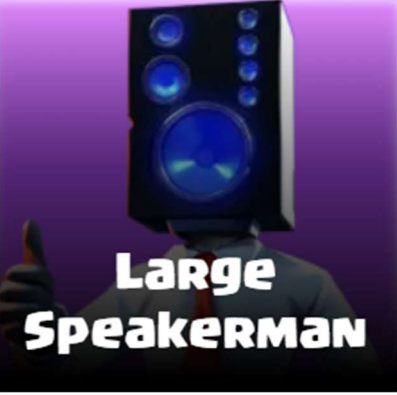
17 35. Next Level also acquired the domain name skibiditoilet.com (the "Infringing Domain
18 Name") and has since used it to host a website (the "Infringing Site") for marketing the Infringing App.
19 As of approximately December 2023, the skibiditoilet.com domain displayed a "parked" webpage
20 indicating that it was for sale. The seller wrote that the domain "is poised to become the epicenter of the
21 viral 'Skibidi Toilet' web series by Alexey Gerasimov." The seller noted that the term "Skibidi Toilet"
22 was searched for between 1 million to 10 million times a month, and that the Boom Channel had reached
23 "32.5 Million Subscribers and Counting." The seller made its pitch: "SkibidiToilet.com is *strategically*
24 *positioned* as the go-to destination for anything related to the hilarious war between toilets and tech-savvy
25 characters. *This is your opportunity to own a piece of the Skibidi Toilet legacy and leverage its*
26 *popularity.*" *See Exhibit C.*

27 36. In an attempt to capitalize on the popularity of Skibidi Toilet, and despite having no
28 legitimate rights or interest in Skibidi Toilet whatsoever, Next Level acquired the Infringing Domain

1 Name. Upon information and belief, in September 2024 Next Level posted the Infringing Site and
 2 published false statements, claiming that Osadchy created Skibidi Toilet in 2020: *See* screenshot below
 3 from <https://skibiditoilet.com/about-us>

4 These statements are demonstrably false, and Next Level has not even attempted to corroborate them.

5 37. The Infringing Site also contains unauthorized Infringing Material. For example, Next
 6 Level brazenly features over 41 characters, including the Skibidi Toilet Characters, on the Infringing Site:

<u>Registered Skibidi Toilet Copyrights</u>	<u>Stolen Skibidi Toilet Characters on the Infringing Site</u>
9 Large Speakerman 10 11 12 13 14	 https://skibiditoilet.com/characters/cameramans/17
16 Titan Speakerman 17 18 19 20 21 22 23 24	https://skibiditoilet.com/characters/cameramans/10 

1 Titan Cameraman
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<https://skibiditoilet.com/characters/cameramans/15>

10 TV Woman
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<https://skibiditoilet.com/characters/cameramans/13>



20 Dark TV Man; Energized TV Man
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<https://skibiditoilet.com/characters/cameramans/23>

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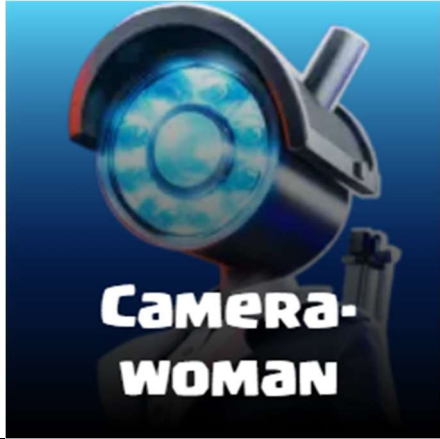
Camera Man



<https://skibiditoilet.com/characters/cameramans/2>

Cameraswoman

<https://skibiditoilet.com/characters/cameramans/1>



1 Juggernaut Astro Toilet
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10 <https://skibiditoilet.com/characters/toilets/4>
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12 Large TV Man
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20 <https://skibiditoilet.com/characters/cameramans/22>

21 Plungerman
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28 <https://skibiditoilet.com/characters/cameramans/16>

Chief Scientist Skibidi Toilet

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<https://skibiditoilet.com/characters/toilets/2>



Speakerman

<https://skibiditoilet.com/characters/cameramans/24>

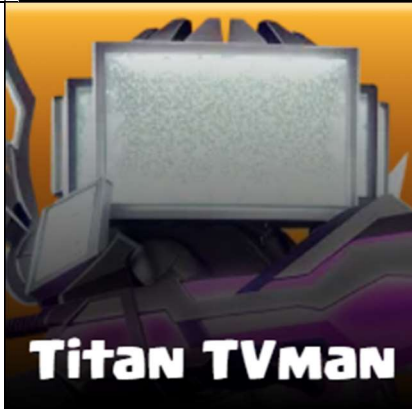


1 Speakerwoman

2 <https://skibiditoilet.com/characters/cameramans/3>



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9 Titan TV Man










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17 <https://skibiditoilet.com/characters/cameramans/18>

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19 38. Next Level has similarly used Infringing Material on Next Level’s social media accounts
20 on at least X (@skibidisurvival), Instagram (@skibidi_toilet_survival), Facebook (Skibidi Toilet), and
21 TikTok (@skibiditoiletsurvival) (the “Infringing Social Media Accounts”). Significantly, the “profile
22 picture” Next Level uses for each of the Infringing Social Media Accounts is an illicit reproduction of the
23 iconic Skibidi Toilet main character from Episode 1.

Infringing Social Media Account	Infringing Profile Picture featuring iconic screenshot of Skibidi Toilet from Episode 1
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<p>X @skibidisurvival</p>	 <p>Skibidi Toilet ✓ @skibidisurvival</p>
<p>Instagram @skibidi_toilet_surviva</p>	 <p>skibidi_toilet_survival Follow M</p> <p>25 posts 10 followers 0 following</p> <p>Skibidi Toilet Exclusive updates and thrilling adventures you crave. skibiditoilet.com</p>
<p>Facebook Skibidi Toilet</p>	  <p>Skibidi Toilet 15 likes • 16 followers</p>
<p>TikTok @skibiditoiletsurvival</p>	 <p>skibiditoiletsurvival Skibidi Toilet</p> <p>Follow Message  </p> <p>0 Following 100 Followers 1317 Likes</p> <p>Official account of Skibidi Toilet https://skibiditoilet.com</p>

1 39. Next Level uses Infringing Material in the Infringing App itself and in advertising the
2 Infringing App on the App Store and Google Play, on the Infringing Site, and on the Infringing Social
3 Media Accounts, in violation of Invisible Narratives’ rights in the Skibidi Toilet Copyrighted Works and
4 Skibidi Toilet Trademark.

5 40. Next Level’s use of Infringing Material in the Infringing App itself and in advertising the
6 Infringing App on the App Store and Google Play, on the Infringing Site, and on the Infringing Social
7 Media Accounts, constitutes a violation of Invisible Narratives’ exclusive rights to reproduce, distribute,
8 perform, display, and/or prepare derivative works based on the Skibidi Toilet Copyrighted Works.

9 41. Next Level has even taken its fraudulent scheme to the Copyright Office and the USPTO,
10 to create the false impression that these agencies have “blessed” Next Level’s claim to hold intellectual
11 property rights in Skibidi Toilet. Indeed, Next Level states on the Infringing Site that “I have registered
12 copyrights for more than 20 characters from my game universe with the U.S. Copyright Office.”

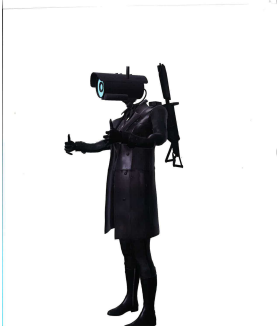



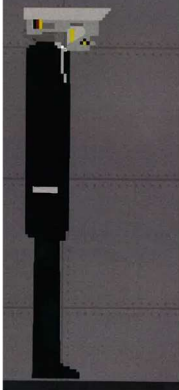
13 42. Indeed, Next Level brazenly obtained certificates of registration from the Copyright Office
14 for 20 images deposited with the Copyright Office, 17 of which were for images based on Invisible
15 Narratives’ copyrighted Skibidi Toilet Characters (the “Fraudulent Deposits”). The remaining three
16 registrations were for 3 images that are not based on characters appearing in the Skibidi Toilet series, but
17 which Next Level has represented as being characters from the Skibidi Toilet series (the “Non-Skibidi
18 Toilet Deposits”). Each of the certificates of registration for the Fraudulent Deposits and the Non-Skibidi
19 Toilet Deposits state that the registrations therefor are “based on deposited pictorial authorship describing,
20 depicting, or embodying character(s).”

21 43. In its applications for the Fraudulent Deposits, Next Level knowingly provided false
22 information to the Copyright Office, stating that “Serhii Osadchyi” is the author of, and that Next Level
23 is the “claimant” (i.e., owner) of, the Fraudulent Deposits.

24 44. In fact, these characters first appeared in episodes of Skibidi Toilet created by Boom, now
25 owned by Invisible Narratives, and pre-dating the submission of Next Level’s applications to the
26 Copyright Office.

27 45. On information and belief, Next Level obtained pre-existing images of Skibidi Toilet
28 Characters from publicly available Internet sources and reproduced them outright, or slightly modified

1 them, to create the Fraudulent Deposits. Next Level’s infringing activities were not authorized by Invisible
 2 Narratives.

<p>3</p> <p>4 <u>Next Level Stolen Images</u> <u>Deposited With Fraudulent Copyright</u> <u>Registrations</u></p>	<p>4 <u>Boom Original Characters</u></p>
<p>6</p> <p>7 </p> <p>8</p> <p>9</p> <p>10</p> <p>11 VA0002389820</p>	<p>6</p> <p>7 </p> <p>8</p> <p>9</p> <p>10</p> <p>11 Camerawoman U.S. Copyright Reg. No. VAu001536848</p>
<p>12</p> <p>13 </p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 VA0002389823</p>	<p>12</p> <p>13 </p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p>
<p>20</p> <p>21 </p> <p>22</p> <p>23</p> <p>24</p> <p>25 VA0002377695</p>	<p>20</p> <p>21 Cameraman U.S. Copyright Reg. No. VAu001536893</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



VA0002389824



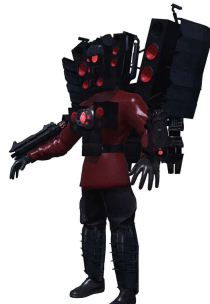
Titan Cameraman
U.S. Copyright Reg. No. VAu001536946



VA0002389816



Dark Speakerman
U.S. Copyright Reg. No. VAu001536895

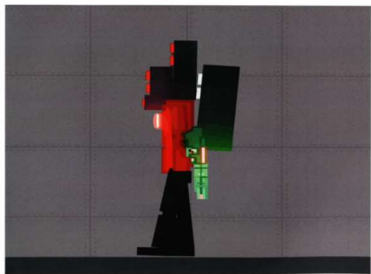


VA0002389821



Titan Speakerman
U.S. Copyright Reg. No. VAu001536847

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VA0002378400



Titan Speakerman
U.S. Copyright Reg. No. VAu001536847



VA0002389819



TV Woman
U.S. Copyright Reg. No. VAu001536945

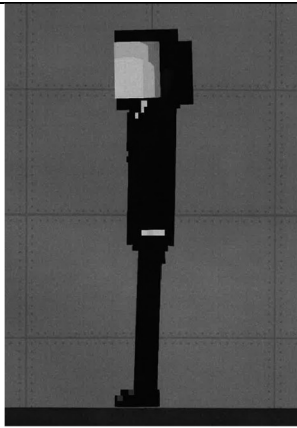


VA0002389818



Titan TV Man
U.S. Copyright Reg. No. VAu001536858

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VA0002378393



TV Man
U.S. Copyright Reg. No. VAu001536857



VA0002406373



Detainer Astro Toilet
U.S. Copyright Reg. No. VAu001536849



VA0002389825

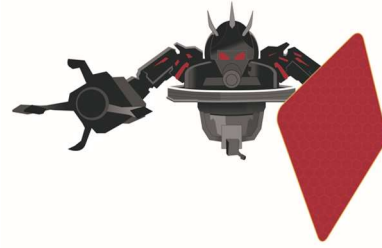


Chief Scientist
U.S. Copyright Reg. No. VAu001536853

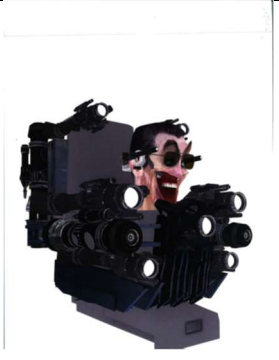
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VA0002406330



Juggernaut Astro Toilet
U.S. Copyright Reg. No. VAu001536851



VA0002389822



G-toilet



VA0002406329



Buzzsaw Mutant

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VA0002404043



Buzzsaw Toilet



VA0002406372



Swat Mutant

46. In applying for copyright registration of the Fraudulent Deposits, Next Level transmitted the Fraudulent Deposits to the Copyright Office to serve as the required deposit copies. Next Level’s activities pertaining to registering the Fraudulent Deposits constitute infringements of Invisible Narratives’ exclusive rights to reproduce and prepare derivative works based on Invisible Narratives’ copyrights in Skibidi Toilet, including the characters therein, as well as fraud on the Copyright Office.

47. On information and belief, in reliance on Next Level’s false statements of authorship and ownership of copyright in the Fraudulent Deposits, the Copyright Office issued certificates of registration (the “Fraudulently-Obtained Copyright Registrations”).

48. On information and belief, the Copyright Office would have refused registration of the Fraudulent Deposits if it was aware of the true authorship and ownership of the characters depicted therein

1 or their infringement of Invisible Narratives’ copyrighted Skibidi Toilet Characters, as “protection for a
 2 work employing preexisting material in which copyright subsists does not extend to any part of the work
 3 in which such material has been used unlawfully.” 17 U.S.C. § 103(a).

4 49. Similarly, Next Level applied for trademark registrations with the USPTO as well as other
 5 foreign trademark offices (“Fraudulent Trademark Applications”). The trademarks sought to be registered
 6 using the Fraudulent Trademark Applications incorporate the phrase “Skibidi Toilet” and, in many cases,
 7 depict an image of a character that is an unauthorized reproduction of, or derivative work based on, a
 8 Skibidi Toilet Character owned by Invisible Narratives, as shown below:

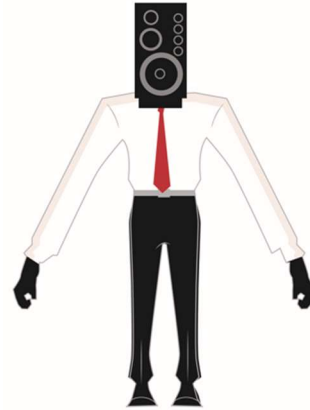
<p>9</p> <p>10 <u>Next Level Copied Images</u> <u>in U.S. Trademark Applications</u></p>	<p>10 <u>Boom Original Characters</u></p>
<p>11</p> <p>12</p> <p>13</p> <p>14 SKIBIDI TOILET VS CAMERAMAN <small>TV WOMAN X TV MAN VS G-MAN</small></p> <p>15</p> <p>16</p> <p>17</p> <p>18 U.S. Trademark Serial No. 79387724</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>11 Skibidi Toilet</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 U.S. Copyright Reg. No. VAu001536944</p> <p>20 Episode 1</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>



SKIBIDI TOILET

U.S. Trademark Serial No. 79413147

Large Speakerman



U.S. Copyright Reg. No. VAu001536846



SKIBIDI TOILET

U.S. Trademark Serial No. 79413180

Large TV Man



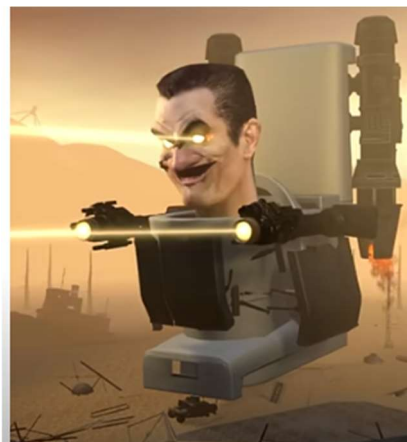
U.S. Copyright Reg. No. VAu001536852



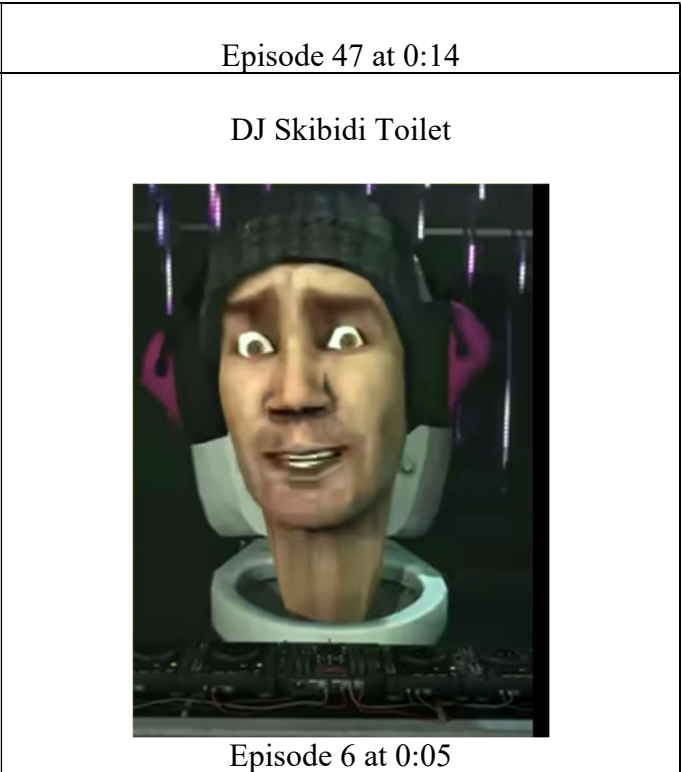
SKIBIDI TOILET

U.S. Trademark Serial No. 79410061

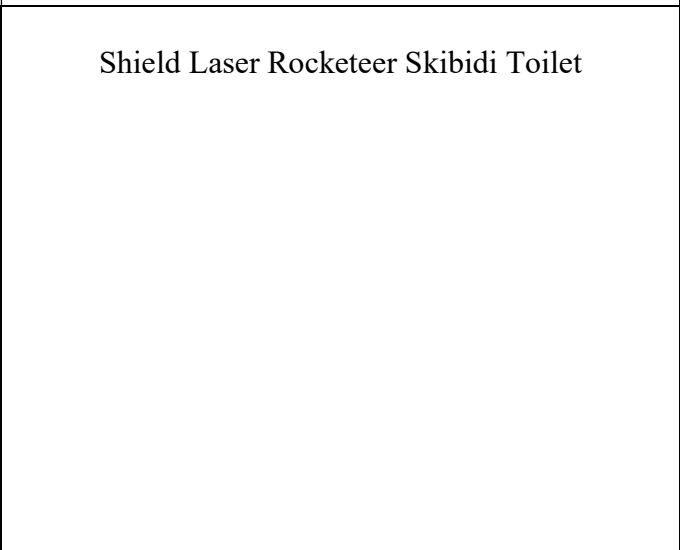
Jetpack Skibidi Toilet



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U.S. Trademark Serial No. 79410442



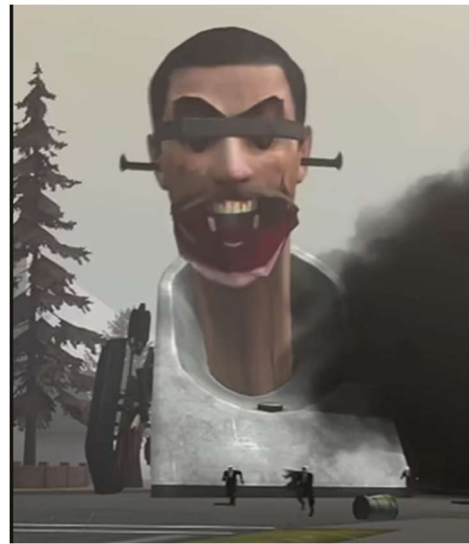
Episode 70 at 1:04



SKIBIDI TOILET

U.S. Trademark Serial No. 79412842

Vacuum Skibidi Urinal



Episode 46 at 0:16



SKIBIDI TOILET

U.S. Trademark Serial No. 79412803

Mafia Skibidi Toilet 2.0




Episode 67 at 0:53



50. Next Level committed fraud on the USPTO by knowingly making false statements in its trademark applications with intent to deceive the USPTO in order to obtain registrations for SKIBIDI TOILET which Next Level knows is owned by Invisible Narratives. Indeed, the USPTO has issued a non-final refusal of Next Level’s application Serial No. 79387724 for the image below based, in part, on Reg. No. 7,540,934 for SKIBIBIDI TOILET owned by Invisible Narratives.



Next Level recently submitted an office action response arguing that this application, prominently featuring a stolen image from Skibidi Toilet Episode 1, is sufficiently different from Invisible Narratives’ registration *because of the stolen image* (excerpt below):

1 Here, neither of the Prior Marks contains a design element. The Applicant's
 2  Mark, however, features an unusual design of a man's head sticking out of a
 3 toilet bowl, which is larger than the word elements of the Applicant's Mark. The design
 4 immediately draws one's attention and engages the viewer before he or she may notice the
 5 words "SKIBIDI TOILET VS CAMERAMAN TV WOMAN X TV MAN VS G-MAN."

6
 7 See **Exhibit D**. Next Level's attempt to deceive the USPTO by using Invisible Narratives' copyrighted
 8 image as a factor in arguing against confusion is not only shameless, but also constitutes fraud on the
 9 USPTO.

10 51. Invisible Narratives has attempted to use tools outside of litigation to stop Next Level's
 11 unlawful infringement but has had limited success. For example, the DMCA incorporates a safe harbor
 12 limiting copyright infringement liability for various classes of "service providers," including those who
 13 store allegedly infringing material on their systems "at the direction of a user." 17 U.S.C. § 512(c)(1). To
 14 avail itself of this limitation, a service provider must, upon receipt of a DMCA Takedown Notice
 15 compliant with the DMCA, "respond[] expeditiously to remove, or disable access to, the material that is
 16 claimed to be infringing or to be the subject of infringing activity." *Id.* § 512(c)(1)(C).

17 52. In accordance with the DMCA, Invisible Narratives sent DMCA Takedown Notices to
 18 Google and Apple under the DMCA, truthfully stating that the Infringing App infringed Invisible
 19 Narratives' Skibidi Toilet Copyrights and Skibidi Toilet Trademark.

20 53. Rather than cease its infringing conduct, Next Level provided Google and Apple with
 21 purported Counter-Notifications, falsely alleging that *Next Level* owned the relevant Skibidi Toilet
 22 trademarks and copyrights. To support its false and deceptive copyright ownership allegations, Next Level
 23 pointed Google to the Fraudulently-Obtained Copyright Registrations. While Google and Apple appear
 24 to have disabled access to the Infringing App as of the filing of this action, they may reinstate the
 25 Infringing App in their storefronts based on Next Level's false Counter-Notifications.

26 54. Invisible Narratives has also sent DMCA Takedown Notices to GoDaddy and Digital
 27 Ocean, the registrar of the Infringing Domain Name and host of the Infringing Site, respectively. Neither
 28

1 GoDaddy nor Digital Ocean appear to have taken action to disable access to the Infringing Site or any of
2 the Infringing Material thereon.

3 **Defendant's False Notification and Threats to Disable the Entire *DaFug!?Boom!* Channel**

4 55. Next Level recently escalated its fraudulent scheme, necessitating the immediate filing of
5 this action. Specifically, on or before January 24, 2025, Next Level submitted a DMCA Takedown Notice
6 to YouTube (the "False DMCA Takedown Notice"). The False DMCA Takedown Notice alleged that
7 Next Level owns "20 (twenty) characters, registered with the U.S. Copyright Office"—in other words,
8 the Fraudulently-Obtained Copyright Registrations. The False DMCA Takedown Notice also alleged that
9 it owned copyright in the characters and that a video entitled "skibidi toilet – season 25 (all episodes)"
10 ("Skibidi Toilet Season 25"), hosted on the Boom Channel, used the characters "without [Next Level's]
11 permission." See **Exhibit E**.

12 56. Under the DMCA, 17 U.S.C. § 512(c)(3)(A), a valid DMCA Takedown Notice requesting
13 removal of allegedly infringing material must contain: (i) "A physical or electronic signature of a person
14 authorized to act on behalf of the owner of an exclusive right that is allegedly infringed"; (ii)
15 "Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works
16 at a single online site are covered by a single notification, a representative list of such works at that site";
17 (iii) "Identification of the material that is claimed to be infringing or to be the subject of infringing activity
18 and that is to be removed or access to which is to be disabled, and information reasonably sufficient to
19 permit the service provider to locate the material"; (iv) "Information reasonably sufficient to permit the
20 service provider to contact the complaining party, such as an address, telephone number, and, if available,
21 an electronic mail address at which the complaining party may be contacted"; (v) "A statement that the
22 complaining party has a good faith belief that use of the material in the manner complained of is not
23 authorized by the copyright owner, its agent, or the law"; and (vi) "A statement that the information in the
24 notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on
25 behalf of the owner of an exclusive right that is allegedly infringed."

26 57. On information and belief, the False DMCA Takedown Notice contained all of the above
27 required elements of a valid DMCA Takedown Notice, including a statement that such a person "has a
28 good faith belief that the use of the material in the manner complained of is not authorized by the copyright

1 owner, its agent, or the law,” and a statement “that the information in the notification is accurate, and
2 under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an
3 exclusive right that is allegedly infringed.”

4 58. None of these statements are true; Boom (not Next Level) created, and Invisible Narratives
5 owns copyright in, the Skibidi Toilet web series and the characters therein, including the characters
6 depicted in the Fraudulent Deposits. Moreover, three of the allegedly infringed characters (the Non-
7 Skibidi Toilet Deposits) do not even appear in Skibidi Toilet Season 25 (or any other Skibidi Toilet
8 episode, for that matter). Finally, the Fraudulently-Obtained Copyright Registrations are limited to
9 specific images depicting certain characters and those registered images never appear in Skibidi Toilet
10 Season 25 (or any other Skibidi Toilet episode).

11 59. Nevertheless, on or about January 24, 2025, YouTube sent an email to the Boom Channel,
12 indicating that Next Level had submitted the False DMCA Takedown Notice. As a result of the False
13 DMCA Takedown Notice and in reliance on the false statements described above, YouTube removed the
14 Skibidi Toilet Season 25 video from the Boom Channel, and has prevented YouTube users from viewing
15 the video.

16 60. Despite Invisible Narratives’ submitting multiple Counter-Notifications, to date, YouTube
17 has yet to reinstate access to Skibidi Toilet Season 25.

18 61. The January 24 email from YouTube also stated that the *Boom Channel* “received a
19 copyright strike,” and that it “now ha[s] 1 copyright strike.” YouTube also indicated that “[i]f you get
20 multiple copyright strikes, we’ll have to terminate your channel.” On information and belief, Next Level
21 knows about YouTube’s policy with respect to multiple copyright strikes.

22 62. On or about January 27, 2025, Boom received an email from an email address purporting
23 to belong to Next Level, with the subject line: “Next Level Apps Technology – FZCO negotiations
24 proposal.” The January 27 email states that Next Level is the “current owner” of certain Skibidi Toilet
25 related trademarks in the EU and China, as well as “characters from this universe, as evidenced by
26 documents issued by the U.S. Copyright Office”—in other words, the Fraudulently-Obtained Copyright
27 Registrations. Next Level’s January 27 email also states that the Boom Channel “infringes the
28 aforementioned trademarks as well as our company’s copyrights,” and that “[w]e have performed a

1 precautionary removal of the video infringing our IP rights”—i.e., by submitting the False Notification.
2 Next Level’s January 27 email then states: **“In view of the above, we suggest that you enter into a
3 dialog with us and resolve all contentious issues through negotiations, which will save time and
4 budget. We expect your response by January 31, 2025, and then we will use all legal tools to protect
5 our brand.”** See **Exhibit F**.

6 63. Further, on or about February 5, 2025, Invisible Narratives received a nearly identical
7 email from an email address purporting to belong to Next Level, with the subject line: “Skibidi Toilet
8 copyright violation.” The February 5 email again states that Next Level is the “current owner” of certain
9 Skibidi Toilet related trademarks in the EU and China, as well as “characters from this universe, as
10 evidenced by documents issued by the U.S. Copyright Office”—in other words, the Fraudulently-
11 Obtained Copyright Registrations. Next Level’s February 5 email also states that the Boom Channel
12 “infringes the aforementioned trademarks as well as our company’s copyrights,” and that “[w]e have
13 performed a precautionary removal of the video infringing our IP rights”—i.e., by submitting the False
14 Notification. Next Level’s February 5 email then states: **“In view of the above, we suggest that you
15 enter into a dialog with us and resolve all contentious issues through negotiations, which will save
16 time and budget. We expect your response by February 6, 2025. Also, be informed that we are going
17 to take down another video this week as a final warning before channel termination.”** See **Exhibit
18 G**.

19 64. On information and belief, the threatened “take down” of another authorized Skibidi Toilet
20 video can only be accomplished by submitting another DMCA Takedown Notice to YouTube, containing
21 either similar or identical false statements to its first False DMCA Takedown Notice.

22 65. Many of the statements in the False DMCA Takedown Notice are not just inaccurate, but
23 fraudulent. For example, Next Level’s statement that it owns the copyrights in characters depicted in the
24 Fraudulent Deposits is false. Next Level knows that its statement is false; it did not create the characters
25 depicted in the Fraudulent Deposits, and does not own copyrights in them. Rather, as Next Level knows,
26 the characters depicted in the Fraudulent Deposits are illicit reproductions of copyrighted Skibidi Toilet
27 Characters created by Boom and owned by Invisible Narratives.

28

1 66. As another example, Next Level’s statement that the Skibidi Toilet Season 25 used 20 of
2 Next Level’s allegedly copyrighted characters is also knowingly false. The characters depicted in the three
3 Non-Skibidi Toilet Deposits are not found anywhere in Skibidi Toilet Season 25.

4 67. As another example, Next Level’s statement that it “has a good faith belief that the use of
5 the material in the manner complained of is not authorized by the copyright owner, its agent, or the law”
6 is also knowingly false. Next Level knows that the use of the Skibidi Toilet Characters appearing in
7 Skibidi Toilet Season 25 is authorized by the true copyright owner—i.e., Invisible Narratives—and the
8 law. Next Level cannot possibly have had a good faith belief to the contrary.

9 68. As another example, Next Level’s sworn statement that the information in the False
10 DMCA Takedown Notice is accurate and that Next Level “is authorized to act on behalf of the owner of
11 an exclusive right that is allegedly infringed” is also knowingly false. Next Level knows that in is not the
12 owner of any exclusive right in the Fraudulent Deposits or the characters depicted therein, or any other
13 copyright associated with Skibidi Toilet; rather, Invisible Narratives is. Accordingly, Next Level knows
14 that it is not authorized to act on behalf of Invisible Narratives, the true owner of such copyrights.

15 69. Based on Next Level’s False DMCA Takedown Notice, Counter-Notifications, and
16 correspondence with Invisible Narratives and Boom, along with the other circumstances of Next Level’s
17 registration of the Infringing Domain Name, posting of the Infringing Site and use of Infringing Material,
18 Next Level’s intent is readily apparent. Next Level knows that it does not have a legitimate claim to any
19 copyrights or other intellectual property rights in Skibidi Toilet or its characters. But Next Level
20 continuously and willfully spreads its false narrative that it created and owns Skibidi Toilet-related
21 copyrights, and is using its knowledge of YouTube’s DMCA Takedown Notice policy, including its
22 “multiple strikes” policy, to hold legitimate Skibidi Toilet content hostage—unless Invisible Narratives
23 pays Next Level a hefty ransom.

24 **Next Level’s Conduct Has Injured and Is Continuing to Injure Invisible Narratives**

25 70. Most immediately, Next Level’s False DMCA Takedown Notice and threats to submit
26 additional false DMCA Takedown Notices to YouTube jeopardizes the viability of the entire Boom
27 Channel, which is critical to Invisible Narratives’ Skibidi Toilet business. On information and belief,
28 YouTube will simply disable access to any video that is complained about in a DMCA Takedown Notice

1 compliant with the DMCA, assuming that the statements in the DMCA Takedown Notice are accurate
2 without performing its own investigation, which is it is free to do under the DMCA. Similarly, on
3 information and belief, YouTube will disable entire channels under its “multiple strikes” policy based on
4 its receipt of multiple DMCA Takedown Notices relating to the same channel, again assuming that the
5 statements in the DMCA Takedown Notice are accurate without performing its own investigation, which
6 is it is free to do under the DMCA.

7 71. The Boom Channel is the exclusive online location where consumers can go to know they
8 are watching authentic Skibidi Toilet content. Unlawful false DMCA Takedown Notices resulting in
9 suspension of the Boom Channel deprive Invisible Narratives of the ability to post Skibidi Toilet videos
10 and content that consumers know is authentic.

11 72. After YouTube removed Season 25, Skibidi Toilet fans expressed widespread frustration
12 and concern. The harm from removal of Season 25 was amplified because there had been massive
13 enthusiasm and anticipation over release of a new Skibidi Toilet episode on the Boom Channel.

14 73. Invisible Narratives also obtains revenue from the placement of advertisements before and
15 during performance of Skibidi Toilet videos on the Boom Channel. Unlawful DMCA Takedown Notices
16 resulting in takedowns deprive the Boom Channel of views, which in turn deprives Invisible Narratives
17 of advertising revenue generated by these views.

18 74. If Next Level’s fraudulent DMCA Takedown Notice scheme is permitted to continue,
19 Invisible Narratives will lose that entire income stream for all videos on the channel, regardless of whether
20 any given video has been accused of infringement. More importantly, Invisible Narratives will lose the
21 ability to reach Skibidi Toilet fans everywhere, by publishing content in the manner of its choosing—
22 which, as the true copyright owner of Skibidi Toilet, it should be able to do.

23 75. Invisible Narratives has also suffered and will continue to suffer other serious, immediate
24 harm due to Next Level’s illicit conduct.

25 76. For example, the purchasing public is likely to be induced into purchasing or otherwise
26 consuming Next Level’s goods, services, and content, in the erroneous belief that they are associated or
27 affiliated with, or sponsored or approved by, Invisible Narratives, which they are not. Moreover, Next
28

1 Level’s Infringing Material deprives Invisible Narratives of the ability to control the quality of legitimate
2 Skibidi Toilet content.

3 77. Next Level’s illicit activities have caused and will continue to cause irreparable injury to
4 the reputation and goodwill of Invisible Narratives and the Skibidi Toilet brand and web series, while
5 Next Level benefits from the labor and intellectual capital that Invisible Narratives invested in the creation
6 of its content.

7 78. Further, Invisible Narratives has suffered, and unless Next Level’s conduct is enjoined by
8 this Court, will continue to suffer, actual economic damages, in the form of lost sales, revenues, and
9 profits, and irreparable harm to Invisible Narratives’ and the Skibidi Toilet brand’s value, reputation, and
10 goodwill, for which Invisible Narratives has no adequate legal remedy.

11
12 **Next Level’s Principals Perpetrated a Similar Scheme, as Detailed in a
Case Currently Pending in this District**

13 79. Upon information and belief, Next Level’s principals, Serhii Osadchyi, Vladislav Ciapchis,
14 Eduard Ciapchis, and Stanislav Chuprykov are behind a similar illegal scheme to attempt to claim
15 ownership of the game Melon Sandbox, which, on information and belief, is owned by Ducky Ltd.
16 (“Ducky”), by fraudulently registering copyrights and submitting DMCA Takedown Notices on platforms
17 like Google Play, Apple App Store, and You Tube.

18 80. Last year, Ducky filed a Complaint for Declaratory Relief (“Iviliia Complaint”) against
19 Iviliia Millionic IT Sp z o.o., a Polish private limited liability company (“Iviliia”) seeking a declaratory
20 judgment that it was the sole and exclusive owner of the copyrights to Melon Sandbox, and that Iviliia
21 had no copyrights in Melon Sandbox or elements thereof. *See Ducky Ltd. v. Iviliia Millionic IT Sp z o.o.*
22 *Case No. 3:24-cv-02268-PHK (N.D. Cal).*

23 81. Upon information and belief, V. Ciapchis and E. Ciapchis are co-owners of Iviliia,
24 Osadchy is President of Iviliia, and Chuprykov is an authorized signatory of Iviliia.

25 82. As detailed in the Iviliia Complaint, Iviliia, through its principals, “fraudulently registered
26 copyrights with the United States Copyright Office covering certain artworks in the [Melon Sandbox]
27 Game” (*id.* at ¶ 3), “used these fraudulently obtained copyright registrations to extort settlement payments
28 and licensing fees from third parties” (*id.* at ¶ 4), “became so brazen as to request the removal of the Game

1 from the Apple App Store and the Google Play Store” (*id.* at ¶ 5), and “also sought to fraudulently obtain
2 a trademark registration with the United States Patent and Trademark Office.” (*id.* at ¶ 6).

3 83. Iviliia failed to respond or otherwise appear in the action and the Clerk entered default on
4 November 11, 2024.

5 84. Ducky’s Motion for Default Judgment is currently pending, and a hearing is scheduled for
6 February 27, 2025.

7 85. That the principals of Iviliia have perpetuated an identical, fraudulent scheme against
8 Invisible Narratives demonstrates that Next Level, through those same individuals, is acting willfully, and
9 will continue to cause irreparable injury to the reputation and goodwill of Invisible Narratives and the
10 Skibidi Toilet brand and web series unless enjoined by this Court.

11 **COUNT I**

12 **FALSE NOTIFICATION UNDER THE DMCA**
13 **(17 U.S.C. §§ 512(f)(1))**

14 86. Invisible Narratives repeats and realleges the preceding paragraphs as if fully set forth
15 herein.

16 87. Next Level submitted the False DMCA Notice to YouTube, containing knowingly false
17 statements, including: (i) that Next Level was the author and owner of 20 copyrights in Skibidi Toilet
18 characters (i.e. the Fraudulent Deposits); (ii) that Next Level had a “good faith belief” that Skibidi Toilet
19 Season 25’s use of the characters therein “is not authorized by the copyright owner, its agent, or the law”;
20 and (iii) that it “is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.”

21 88. The false statements above constitute knowing, material representations that material or
22 activity is infringing.

23 89. Next Level has threatened to submit additional DMCA Takedown Notices to YouTube,
24 containing the same or similar knowingly false statements.

25 90. Next Level’s aforesaid acts have caused and, unless such acts are restrained by this Court,
26 will continue to cause substantial and irreparable injury to Invisible Narratives.

27 91. Invisible Narratives has no adequate remedy at law.
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1 92. As a result of Next Level’s actions, Invisible Narratives has suffered, and will continue to
2 suffer, money damages in an amount to be proven at trial.

3 93. As a result of Next Level’s actions, Invisible Narratives has incurred, and will continue to
4 incur, costs and attorneys’ fees, which it is entitled to recover under 17 U.S.C. § 512(f).

5 **COUNT II**

6 **FALSE COUNTER-NOTIFICATION UNDER THE DMCA**
7 **(17 U.S.C. §§ 512(f)(2))**

8 94. Invisible Narratives repeats and realleges the preceding paragraphs as if fully set forth
9 herein.

10 95. Next Level submitted the false Counter-Notifications to Google and Apple, containing
11 knowingly false statements, including: (i) that Next Level was the author and owner of 20 copyrights in
12 Skibidi Toilet characters (i.e. the Fraudulent Deposits); and (ii) that Next Level had a “good faith belief”
13 that the Skibidi Toilet App was removed or disabled as a result of mistake or misidentification of the
14 material to be removed or disabled.

15 96. The false statements above constitute knowing, material representations that material or
16 activity was removed or disabled by mistake or misidentification.

17 97. Next Level’s aforesaid acts have caused and, unless such acts are restrained by this Court,
18 will continue to cause substantial and irreparable injury to Invisible Narratives.

19 98. Invisible Narratives has no adequate remedy at law.

20 99. As a result of Next Level’s actions, Invisible Narratives has suffered, and will continue to
21 suffer, money damages in an amount to be proven at trial.

22 100. As a result of Next Level’s actions, Invisible Narratives has incurred, and will continue to
23 incur, costs and attorneys’ fees, which it is entitled to recover under 17 U.S.C. § 512(f).

24 **COUNT III**

25 **DECLARATORY JUDGMENT OF NO COPYRIGHT INFRINGEMENT**
26 **(17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 2201)**

27 101. Invisible Narratives repeats and realleges the preceding paragraphs as if set forth herein.

28 102. In at least its False DMCA Notice, Next Level claims that it has valid copyrights in 20
characters in the Skibidi Toilet series (i.e., the Fraudulent Deposits and Non-Skibidi Toilet Deposits).

1 103. The alleged copyrights in and to the Fraudulent Deposits are invalid or unenforceable, for
2 at least the reasons stated above.

3 104. Invisible Narratives has not copied any copyrightable authorship in any of the Fraudulent
4 Deposits and Non-Skibidi Toilet Deposits, for at least the reasons stated above.

5 105. Invisible Narratives does not infringe and has not infringed any valid copyrights in any of
6 the Fraudulent Deposits and Non-Skibidi Toilet Deposits, for at least the reasons stated above.

7 106. Accordingly, there exists an actual and justiciable controversy between Next Level and
8 Invisible Narratives with respect to alleged infringement of allegedly valid copyrights in the Fraudulent
9 Deposits and/or any other characters in the Skibidi Toilet series.

10 107. Invisible Narratives seeks and is entitled to a declaratory judgment that it does not infringe
11 any copyright in any of the Fraudulent Deposits and/or any other characters in the Skibidi Toilet series.

12 **COUNT IV**

13 **COPYRIGHT INFRINGEMENT**
14 **(17 U.S.C. §101 *et seq.*)**

15 108. Invisible Narratives repeats and realleges the preceding paragraphs as if set forth herein.

16 109. Invisible Narratives enjoys exclusive rights with respect to the Skibidi Toilet Copyrighted
17 Works, including the exclusive right to copy, reproduce, distribute, display, and create derivative works
18 based on the same.

19 110. Next Level had direct access to the Skibidi Toilet Copyrighted Works through at least the
20 Boom Channel.

21 111. Next Level has copied, reproduced, distributed, publicly performed, and/or publicly
22 displayed infringing copies of the Skibidi Toilet Copyrighted Works without Invisible Narratives' consent
23 or authorization, in violation of 17 U.S.C. § 106.

24 112. As a direct and proximate result of Defendants' infringement of Invisible Narratives'
25 copyrights, Invisible Narratives is entitled to damages in an amount to be determined at trial, which is not
26 currently ascertainable.

27 113. Alternatively, at its election, Invisible Narratives is entitled to the maximum allowable
28 amount of statutory damages in the amount of \$150,000 with respect to each work infringed, or for such
other amounts as may be proper under 17 U.S.C. § 504(c).

1 114. Invisible Narratives is further entitled to its attorneys' fees and costs pursuant to 17 U.S.C.
2 § 505.

3 115. Next Level's actions have caused and—unless enjoined by this Court—will continue to
4 cause irreparable injury to Invisible Narratives for which Invisible Narratives has no adequate remedy at
5 law. Invisible Narratives is therefore entitled to a preliminary and permanent injunction enjoining and
6 restraining Next Level from reproducing, distributing, performing, displaying, or other use of the Skibidi
7 Toilet Copyrighted Works or any other work that is substantially similar thereto or derivative thereof.

8 **COUNT V**

9 **TRADEMARK INFRINGEMENT, UNFAIR COMPETITION, FALSE DESIGNATIONS OF**
10 **ORIGIN, AND FALSE DESCRIPTIONS**
11 **(15 U.S.C. §1125(a))**

12 116. Invisible Narratives repeats and realleges the preceding paragraphs as if set forth herein.

13 117. Next Level's actions complained of herein are likely to cause confusion, or to cause
14 mistake, or to deceive as to the affiliation, connection, or association of Next Level or Next Level's
15 products, services, content, and/or commercial activities with Invisible Narratives or Invisible Narratives'
16 products, services, content, and/or commercial activities, or as to the origin, sponsorship, or approval of
17 Next Level's products, services, content, and/or commercial activities by Invisible Narratives.

18 118. Next Level's actions complained of herein misrepresent the nature, characteristics,
19 qualities, or geographic origin of both its goods, services, and commercial activities as well as the goods,
20 services, and commercial activities of Invisible Narratives.

21 119. Next Level's actions complained of herein constitute infringement of the unregistered
22 Skibidi Toilet Trademark, unfair competition, false designation of origin, and false description in violation
23 of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

24 120. Invisible Narratives has no control over the quality of Next Level's products, services,
25 content, and/or commercial activities. Because of the likelihood of confusion as to the source of Next
26 Level's products, Invisible Narratives' valuable goodwill in its trademarks is at the mercy of, and being
27 harmed by, Next Level's unauthorized use of the Skibidi Toilet Trademark.

28 121. Invisible Narratives has sustained and is likely to sustain damages as a direct and proximate
result of Next Level's actions complained of herein.

1 122. Next Level’s actions have caused and—unless enjoined by this Court—will continue to
2 cause irreparable injury to Invisible Narratives for which Invisible Narratives has no adequate remedy at
3 law. Invisible Narratives is therefore entitled to a preliminary and permanent injunction enjoining and
4 restraining Next Level from use of the Skibidi Toilet Trademark or any other mark that is confusingly
5 similar thereto. Defendants’ aforesaid acts have caused and, unless such acts are restrained by this Court,
6 will continue to cause substantial and irreparable injury to Plaintiff. Among other things, Defendants’
7 actions have caused and are continuing to cause monetary harm (through lost sales) as well as harm to
8 Plaintiff’s brand, goodwill, and reputation.

9 123. This is an exceptional case for which Invisible Narratives seeks an award of its reasonable
10 attorneys’ fees pursuant to 15 U.S.C. § 1117(a).

11 **COUNT VI**

12 **CYBERSQUATTING**
13 **(15 U.S.C. §1125(d))**

14 124. Invisible Narratives repeats and realleges the preceding paragraphs as if set forth herein.

15 125. The Skibidi Toilet Trademark was distinctive or famous at the time Next Level registered,
16 used, and/or trafficked in the Infringing Domain Name.

17 126. Notwithstanding the reputation and goodwill represented by the Skibidi Toilet Trademark,
18 and, on information and belief, precisely because of said awareness, Next Level willfully began using in
19 commerce the Infringing Domain Name with a bad faith intent to profit from the Skibidi Toilet Trademark.

20 127. The Infringing Domain Name is identical to Invisible Narratives’ SKIBIDI TOILET
21 trademark.

22 128. Next Level registered, used, and/or trafficked in the Infringing Domain Name with a bad
23 faith intent to profit from Invisible Narratives’ SKIBIDI TOILET trademark.

24 129. Next Level does not have rights or legitimate interests in the Infringing Domain Name.

25 130. Next Level does not have any prior use of the Infringing Domain Name in connection with
26 the bona fide offering of goods or services.

27 131. Next Level’s acts as alleged herein violate the Anticybersquatting Consumer Protection
28 Act, 15 U.S.C. § 1125(d)(1).

1 132. Next Level’s registration and continued use and/or trafficking of the Infringing Domain
2 Name has caused, is causing and, unless enjoined, will continue to cause irreparable harm and damage to
3 Invisible Narratives and its brand, reputation, and goodwill.

4 133. Next Level’s registration and continued use of the Infringing Domain Name has caused
5 and will continue to cause Invisible Narratives to suffer monetary damages in an amount to be determined
6 at trial.

7 **COUNT VII**

8 **COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**

9 134. Invisible Narratives repeats and realleges the preceding paragraphs as if set forth herein.

10 135. Next Level’s aforesaid conduct constitutes common law trademark infringement and unfair
11 competition under the common law of the State of California.

12 136. Next Level has unfairly and intentionally used the Skibidi Toilet Trademark to
13 misrepresent their products, services, and/or content as originating from or having the sponsorship,
14 affiliation, or approval of Invisible Narratives.

15 137. Next Level has engaged in such unfair and improper conduct to trade off of, and benefit
16 from, Invisible Narratives’ reputation and goodwill in its Skibidi Toilet Trademark.

17 138. Next Level’s aforesaid acts have caused and, unless such acts are restrained by this Court,
18 will continue to cause substantial and irreparable injury to Invisible Narratives.

19 139. Invisible Narratives has no adequate remedy at law.

20 140. Next Level’s conduct is oppressive, fraudulent, and malicious, entitling Invisible
21 Narratives to an award of punitive damages.

22 **COUNT VIII**

23 **UNFAIR COMPETITION AND FALSE ADVERTISING UNDER**
24 **CALIFORNIA BUSINESS & PROFESSIONS CODE §§ 17200 AND 17500 et seq.**

25 141. Invisible Narratives repeats and realleges the preceding paragraphs as if set forth herein.

26 142. By virtue of the acts complained of herein, Next Level has engaged in false advertising
27 and unfair competition in violation of the statutory law of the state of California, Cal. Bus. & Prof. Code
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1 §§ 17200 and 17500, et seq., and, as a result, Invisible Narratives has suffered and will continue to suffer
2 damage to its business, reputation, and goodwill.

3 143. As a direct and proximate result of Next Level’s willful and intentional actions, Invisible
4 Narratives has suffered damages in an amount to be determined at trial and, unless Defendants are
5 restrained, Invisible Narratives will continue to suffer irreparable damage.

6
7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Invisible Narratives requests judgment in favor of Invisible Narratives and against Next
9 Level on all counts herein, and an award of the following relief:

- 10 1. Enter a declaration that Next Level has directly and/or indirectly infringed the Invisible Narratives’
11 valid and duly issued copyrights in the Skibidi Toilet Copyrighted Works;
- 12 2. Enter a declaration that Next Level has directly and/or infringed the Skibidi Toilet Marks by using
13 them in commerce in connection with Next Level’s products, services, and/or content;
- 14 3. Enter a preliminary and permanent injunction enjoining and prohibiting Next Level and its
15 officers, directors, employees, agents, affiliates, successors, assigns, licensees, and entities owned
16 or controlled by Next Level, and all those in privity or acting in concert with Next Level, and each
17 of them, who receives notice directly or otherwise of such injunction from:
- 18 a. Directly or indirectly taking any actions to remove or disable access to any actions to
19 remove or disable access to any material hosted on the Boom Channel, including by
20 submitting DMCA Takedown Notices to YouTube claiming that any such material hosted
21 on infringes any copyrights to Skibidi Toilet works or the characters therein, or removing
22 or disabling access to such material based on receipt of such DMCA Takedown Notices—
23 and, to the extent that any actions to remove or disable access have already been taken,
24 such actions shall be retracted and canceled;
- 25 b. Releasing, distributing, or making the Infringing App available for download on Apple’s
26 App Store, Google Play, or any other medium for distribution of mobile applications;
- 27 c. Using the Infringing Site or Infringing Social Media Accounts in connection with Skibidi
28 Toilet-related videos or the Infringing App;

- d. Reproducing, transmitting, or otherwise using any Infringing Material, including images derivative of the Skibidi Toilet Characters, in any filings with the United States Copyright Office, United States Patent and Trademark Office, or other domestic or foreign government agency;
 - e. Otherwise reproducing, distributing, performing, displaying, advertising, marketing, promoting, selling, and/or offering for sale Infringing Material, without Invisible Narratives' authorization;
 - f. Filing applications with the United States Patent and Trademark Office, or elsewhere for trademarks or trademark registrations that include the phrase "Skibidi Toilet," by itself or with other words, symbols, characters, graphic images, or other devices;
 - g. Otherwise using the Skibidi Toilet Trademark, or any reproduction, counterfeit, copy, or colorable imitation of said marks, in connection with the advertising, marketing, sale, offer for sale, or distribution of Next Level's products, services, and/or content;
 - h. Otherwise using the Skibidi Toilet Trademark, or any reproduction, counterfeit, copy, or colorable imitation of the same, in any manner likely to cause others to believe that Next Level's products, services, and/or content are connected with Invisible Narratives or are genuine Invisible Narratives branded products, services, and/or content; and
 - i. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (g);
4. Order Next Level and any and all persons controlled by or acting in concert with Next Level to recall from any distributors and retailers and deliver up to Invisible Narratives for destruction any products, services, and/or content infringing the Skibidi Toilet Marks, and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of such distributors and retailers that infringe any of the Skibidi Toilet Marks or other rights, or bear any marks or incorporate any works that are confusingly or substantially similar to the Skibidi Toilet Marks;
5. Order deliver up for destruction all materials in their possession, custody or control, or the possession, custody or control of any of their agents, distributors, and representatives, embodying

1 or displaying the Skibidi Toilet Copyrighted Works, including without limitation all pictures,
2 advertising and/or promotional materials, packaging, labels, tags, online materials, and any other
3 materials;

4 6. Order Next Level to file with the Court and serve upon Invisible Narratives, within thirty (30) days
5 after the service of the injunction upon Next Level, a report in writing under oath setting forth in
6 detail the manner and form in which Next Level has complied with the injunction and judgment
7 entered pursuant to this Complaint;

8 7. Order that the Infringing Domain Name, the Infringing Site, and the Fraudulently-Obtained
9 Copyright Registrations, be assigned, transferred, and conveyed to Invisible Narratives;

10 8. Order an accounting and disgorgement of Next Level's profits, gains, and advantages realized
11 from its reproducing, distributing, performing, displaying, advertising, marketing, promoting,
12 selling, and/or offering for sale Infringing Material as described herein, including a reconciliation
13 of all purchases and sales of the infringing products with documents relating to all such purchases
14 and sales;

15 9. Order that Next Level pay Invisible Narratives its actual damages, plus the amount of Defendants'
16 profits attributable to the conduct alleged herein pursuant to 15 U.S.C. § 1117(a), 17 U.S.C. §
17 504(b), and other applicable law;

18 10. Order that, in the alternative to Invisible Narratives' actual damages and Next Level's profits, Next
19 Level pay Invisible Narratives statutory damages for willful copyright infringement in the amount
20 of \$150,000 per Registered Skibidi Toilet Work as authorized by 17 U.S.C. § 504(c);

21 11. Order that Next Level pay Invisible Narratives enhanced damages as provided by 15 U.S.C. §
22 1117 and other applicable law;

23 12. Order that Next Level pay Invisible Narratives actual and/or punitive damages to be proven at trial
24 for common law trademark infringement and unfair competition;

25 13. Order that this case be found exceptional, and Plaintiff awarded its attorneys' fees pursuant to 15
26 U.S.C. § 1117(a);

27 14. Order that Next Level pay Invisible Narratives statutory damages for cyberpiracy in the amount
28 of \$100,000 as authorized by 17 U.S.C. § 1117(d);

1 15. Order that Next Level pay Invisible Narratives reasonable attorneys' fees, costs, and expenses
2 pursuant to 17 U.S.C. § 505, 17 U.S.C. § 512(f), and other applicable law;

3 16. Order that Invisible Narratives be awarded damages in an amount sufficient to compensate it for
4 the damage caused by Next Level's unfair competition under California Business and Professions
5 Code §§ 17200 and 17500 et seq.;

6 17. Order that Next Level pay Invisible Narratives pre-judgment and post-judgment interest on
7 Invisible Narratives' damages at the applicable rate; and

8 18. Grant such other and further relief as this Court deems just and proper.

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a trial by jury of all triable issues raised by this Complaint.
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Respectfully submitted,

Dated: February 14, 2025

By: /s/ Jie (Lisa) Li
Ian C. Ballon
Jie (Lisa) Li
Amy L. Kramer (*pro hac vice forthcoming*)
GREENBERG TRAURIG, LLP

Attorneys for Plaintiff Invisible Narratives, LLC