

Amazon, Penguin Random House, and Leading Authors Win \$7.8m Judgment Against International Ebook Piracy Ring

By Caesar Kalinowski IV, Liz McNamara, and John Goldmark

In July 2020, twelve authors from the Authors Guild—Lee Child, Sylvia Day, John Grisham, C.J. Lyons, Doug Preston, Jim Rasenberger, T.J. Stiles, R.L. Stine, Monique Truong, Scott Turow, Nicholas Weinstock, and Stuart Woods—joined with Amazon Publishing and Penguin Random House to file suit in federal court targeting what was called the “biggest pirate book site [the] world has ever seen.” See [Amazon Content Servs. LLC v. Kiss Library](#), No. C20-1048 MJP, Dkt 1 (W.D. Wash. 2021).

The collection of author and publisher plaintiffs in this case, which the Authors Guild played a crucial role in coordinating, reflects the serious threat posed by ebook piracy and the importance of aggressive action to combat it and bring pirates to justice, from wherever they may operate. Originally established under the moniker “Kiss Library,” the Ukrainian-based operation was able to operate for years by migrating websites and falsifying domain information to continue illegally distributing thousands of ebooks.

On December 17, 2021, Judge Marsha Pechman granted a permanent injunction and \$7.8m judgment against the Kiss Library websites and Defendants Rodion Vynnychenko and Artem Besshapochny for their part in creating and operating the scheme. Finding, serving, and bringing justice on behalf of the plaintiff publishers and authors was no small feat. Apparent from the outset, the technologically-savvy digital pirates had used a series of ruses to hide their identities and avoid detection and accountability. The defendants employed multiple layers of deception to obscure their connection to the pirate websites, from registering domains under aliases and false addresses to identifying non-existent Canadian owners on their sites. Early discovery, which the court authorized in issuing its temporary restraining order, uncovered a broader scope to the scheme than originally appeared. In total, the Kiss Library scheme connected to a larger ring of similar ebook pirate websites, with names like cheap-library.com, getebooks.net, booksgreatchoice.com, and bookpdfs.com—intended to drive customer traffic and increase the volume of illegal sales.

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After the suit was filed, the defendants quickly moved to further hide their connection to the misconduct by seeking to spoliage evidence. Within days, the website operators and their agents began efforts to erase their records held by third parties, such as payment processors, email hosts, domain registrars, and website service providers. Although the defendants managed to

partially cover their tracks, the plaintiffs' discovery efforts led them to track and enjoin yet another attempted migration of the same or similar scheme—this time operating under the moniker “SmashBook” through sites like smashbook.site, luckybooks.online, cybook.club, and oregano.pro.

Moreover, although the plaintiffs had uncovered Besshapochny and Vynnychenko's officially-registered addresses during their initial investigation, serving them through the Hague Convention and Ukrainian law during the COVID-19 pandemic proved challenging. After Besshapochny was served under Ukrainian law—which required official government service of original and translated paper copies during the pandemic lockdown—he wrote to Judge Pechman claiming that he was the subject of poor transliteration and mistaken identity. Successfully disputing that claim, plaintiffs' counsel showed that the Ukrainian court already dismissed that argument after finding that he was “indeed the person” identified in the lawsuit, had registered with the Ukrainian government as “Artem Besshapochny,” and therefore confirmed service on him in court. Further, the plaintiffs provided evidence of a ruling against Besshapochny by the World Intellectual Property Organizations, in a case where he had engaged in domain hijacking the website “www.anglophile.com.”

Defendant Vynnychenko took a different approach to evading accountability. He sought to avoid service by de-registering his fraudulent business address in Kiev that had been originally used to register the Kiss Library website. He then registered a different address in a faraway region of Ukraine, which the Ukrainian courts later determined was also not his real residence, necessitating multiple transfers of the paper originals to the appropriate court. Because of this obfuscation and delays caused by a Ukrainian judicial funding shortage, the plaintiffs were forced to engage a local private investigator to assist the Ukrainian government in uncovering Vynnychenko's true address so that it could effect service.

Despite all these attempts to evade justice, plaintiffs' counsel ultimately confirmed service and successfully moved for default after the defendants failed to appear or contest the allegations. Highlighting Besshapochny and Vynnychenko's substantial efforts to hide the illegal nature of their conduct, the plaintiffs then sought willful statutory damages for dozens of works displayed and distributed illegally on the piracy network. The Court agreed and found that all relevant factors supported the maximum statutory award of \$150,000 for each of the 52 infringed works—granting the plaintiffs' request for \$7.8m in damages. *See id.* at *4-5. Next, finding that all factors were met for a permanent injunction, the Court held that “Defendants' copyright infringement has caused irreparable harm to Plaintiffs' goodwill, reputation, and distribution efforts” and a permanent injunction was necessary and beneficial to the public, which had an interest in not being deceived by illicit, inferior products. *Id.* at *7.

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Although the defendants may try to evade enforcement in their home country, it's clear that they can no longer operate with anonymity or impunity and—importantly—all their piracy websites (or any future iterations) have been permanently enjoined. Equally significant, the judgment entered by the federal court signals the public's value for the plaintiffs' literary works, while reassuring authors that their books—essential for an enlightened society—are protected and worth their investment of time, effort, and talent. As [noted by Authors Guild President Doug Preston](#), the judgment also sends a strong message to other would-be pirates that publishers and authors “will not stand idly by and allow criminals to profit from the illegal sale of [their] books”—something that has been increasingly concerning in this digital age of piracy.

Publishers Amazon Content Services LLC, Penguin Random House LLC, and authors Lee Child, Sylvia Day, John Grisham, C.J. Lyons, Doug Preston, Jim Rasenberger, T.J. Stiles, R.L. Stine, Monique Truong, Scott Turow, Nicholas Weinstock, and Stuart Woods were jointly represented by John Goldmark, Liz McNamara, and Caesar Kalinowski IV of Davis Wright Tremaine.