Banner & Witcoff Wins Preliminary Injunction in Online Video Game Lawsuit for World of Tanks® developer/publisher Wargaming.net LLP

August 8, 2012

Banner & Witcoff, Ltd. is pleased to announce that on August 8, 2012, the Honorable U.S. District Judge Edmond E. Chang of the United States District Court for the Northern District of Illinois granted Banner & Witcoff's motion for a preliminary injunction in favor of firm client Wargaming.net®, the developer and publisher of World of Tanks®, which is one of the largest, most popular, massive multiplayer online games (MMOG) and has over 18 million registered players as of December 2011. Previously, on July 25, 2012, Judge Change granted Banner & Witcoff's motion for a temporary restraining order in this same case.

The case involves trademark counterfeiting, trademark infringement, cyber piracy, unfair competition, and false designation of origin under the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), 1125(d), and copyright infringement under the Copyright Act, 17 U.S.C. § 101 et. seq.

Defendants operate the website WorldOfTankShop.com, which infringes Wargaming.net LLP's copyrights, trademarks, and misrepresents to the public that it is the "official online shop" for World of Tanks®. WorldofTankshop.com represents to customers that they can purchase in-game virtual goods for World of Tanks®, such as gold or experience. This in-game gold or experience frequently, if not always, goes undelivered to customers. The WorldofTankshop.com site uses the Wargaming.net® logo, World of Tanks® artwork, the World of Tanks® logo, textual content from the Wargaming.net® web sites, and misrepresents that it is associated with or sponsored by Wargaming.net.

WorldofTankShop.com administrators have also provided the customer support email address for Wargaming.net® to WorldofTankShop.com customers for their complaints, thereby exacerbating consumer confusion.

The continued operation of WorldofTankshop.com would have resulted in further customer confusion, customer complaints, the loss of customer goodwill, and the erosion of the great reputation of Wargaming.net® among the gaming community. The TRO and preliminary injunction entered against the Defendants and their illegal web site will protect Wargaming.net and its customers.

Nick Katselapov, Chief Business Development Officer of Wargaming.net LLP, stated “We are very pleased with the Court’s decisions in this case. We now look forward to entry of a permanent injunction to stop—once and for all—defendants’ illegal activities as well as entry of final judgment and award of damages. As previously noted, this case demonstrates our commitment to defend vigorously our intellectual property rights and to protect our loyal customers and fans.”

Wargaming.net was represented by Banner & Witcoff, Ltd. attorneys Timothy C. Meece, Ross A. Dannenberg, and V. Bryan Medlock, Jr. Ross is the author of the recently published book, The American Bar Association’s Legal Guide to Video Game Development (ABA Publishing, 2011).

The case was Wargaming.net LLP v. WorldOfTankShop.com, Xiao Chen, Lia Chao, and Lanhui He, docket no. 1:12-cv-04312, in the United States District Court for the Northern District of Illinois.

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