

CERTIFIED TRANSLATION FROM POLISH

[This translation reflects certain typographic errors and repetitions of the Polish-language original, such as the redundant phrases “with its registered office” and “Ltd”.]

Case file No. **XXII GWo 222/24**

ENFORCEMENT TITLE

DECISION

2 August 2024

The Regional Court in Warsaw, XXII Intellectual Property Division, with a judicial panel composed of:

- presiding judge: **Aleksandra Ziółkowska-Majkowska, judge**

after examining, on 2 August 2024, in Warsaw,

in a closed session,

a case brought by **Ducky Ltd with its registered office in Limassol Ltd with its registered office in Limassol (Cyprus)**,

with **Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw Millionic IT Sp. z o.o. with its registered office in Warsaw** as a participant,

in which the granting of an injunction was sought,

hereby resolves to:

1. grant an injunction in favour of Ducky Ltd, with its registered office in Limassol Ltd in Cyprus, securing its non-monetary claim against Iviliia Millionic IT Sp. z o.o., with its registered office in Warsaw, under Article 18(1)(1) in conjunction with Article 3(1) and Article 14(1) of the Act on Preventing Unfair Competition, which claim seeks the desisting of unlawful activities involving:
 - a) attempts to block, on the mobile application distribution platforms Google Play and the App Store, the Melon Sandbox game owned by Ducky, as well as other games featuring the graphic works appearing in the Melon Sandbox game, by reporting such games to the owners of the aforementioned platforms (i.e. Google and Apple, respectively) as infringing a fictitious copyright of Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw;
 - b) attempts to block gameplay videos of Melon Sandbox or other games featuring Melon Sandbox graphics on YouTube by reporting such videos to the YouTube platform as infringing a fictitious copyright of Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw;
 - c) impersonating the owner of the copyrights to the graphic works appearing in the Melon Sandbox game, and proposing to the uploaders of the recordings referred to in letter

“b” above the conclusion of licence agreements pursuant to which, in return for adequate remuneration, Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw “undertakes” to “unblock” the above-mentioned recordings on the YouTube platform and grants a “licence” to such persons to publish recordings containing the graphic works appearing in the Melon Sandbox game – to which in fact it does not hold any rights;

by prohibiting Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw, pending the final and non-appealable conclusion of the exploratory proceedings, to undertake any activities aimed at:

- a) making reports to the owners of the Google Play and App Store platforms that the Melon Sandbox games or other games featuring images of computer graphics from the Melon Sandbox game in the form of the following characters: Apple hero, Corn hero, Pampkin hero and Watermelon hero (shown in the images below) infringe the copyrights of Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw:

[graphics depicting four characters]

- b) notifying vloggers or other entities publishing gameplay videos featuring Melon Sandbox or other games containing images of computer graphics from the Melon Sandbox game: Apple hero, Corn hero, Pampkin hero and Watermelon hero (shown in the images above), on the YouTube platform or any other platforms, that the images of those graphics infringe the copyrights of Iviliia Millionic IT Sp. z o.o. with its registered office in Warsaw;
 - c) concluding agreements for the use by others of computer graphics images appearing in the Melon Sandbox game in the form of the following characters: Apple hero, Corn hero, Pampkin hero and Watermelon hero (shown in the images above);
2. threaten Millionic IT sp. z o.o. with its registered office in Warsaw with an order to pay PLN 5,000 (five thousand zlotys) to Ducky Ltd with its registered office in Limassol Ltd with its registered office in Limassol, Cyprus, for each and every case of non-compliance with the prohibitions described in item 1;
 3. dismiss the remainder of the motion;
 4. grant the Entitled Party, Ducky Ltd with its registered office in Limassol Ltd with its registered office in Limassol (Cyprus), a two-week period to lodge a pleading initiating proceedings against the Obligor, failing which the security shall lapse;
 5. leave the decision on the costs of the injunction proceedings to the Court examining the merits of the case.

Aleksandra Ziółkowska-Majkowska, Judge

[rectangular stamp reading: “The original bears the relevant signatures; confirmed as a true copy by Aneta Misztal, Court Clerk of the Regional Court in Warsaw” [signed]]

[round seal of the Regional Court in Warsaw, [Division] 22]

*I, the undersigned, **Ewa Majek**, a sworn translator of the English language, entered in the official list of sworn interpreters and translators kept by the Minister of Justice of the Republic of Poland under number TP/4560/05, do hereby certify that the above English text is, for all intents and purposes, a true and accurate translation of the Polish document presented to me.*

*IN WITNESS THEREOF, I have signed this document in **Warsaw**, on this **14th day of August 2024** and registered the translation under No. **25/2024**.*

My appointment details can be viewed here:

<https://arch-bip.ms.gov.pl/pl/rejestr-y-i-ewidencje/tlumacze-przysiegli/lista-tlumaczy-przysieglych/translator,7749.html>

This translation has been certified with a qualified electronic signature and issued electronically in compliance with Article 18.1a of the Polish Act on Sworn Translators of 25 November 2004 (consolidated text: Polish Journal of Laws (Dz.U.) of 2019, item 1326).