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Wendy Papula: Claimant
Celil Akgobek: Respondent

I, Celil Akgobek, have been accused of infringing upon Wendy Papula's intellectual property rights by utilizing her design without permission or license. However, I assert that this accusation is unfounded as the full picture of the situation shows that I was simply a victim of the original infringer. The claimant's Etsy account (Exhibit A) shows that the design in question has resulted in only 9 shirt sales in 8 years. My listing was active for no more than two weeks, and only one sale was made during this time. Therefore, any potential harm to the claimant does not exceed the profit from one sale. Furthermore, information on common copyright claims scam methods (Exhibit B) reveals the prevalence of fake infringement claims, thereby establishing counterclaim was a legitimate measure of self-protection, which was validated by Etsy's legal team.

The claimant's main website (Exhibit C), redstateboutique.com, does not sell shirts or any other clothing items. This minimizes the possibility of significant harm to the claimant's business from my single sale. Additionally, an email from Etsy (Exhibit D) indicates that I did not have a way of knowing who the rightful owner of the material was when the infringement claim was made since they did not provide the trademark. Despite the lack of delivered proof, I promptly removed the listing upon receiving the notice. The only sale made with the disputed design on my account (Exhibit E) occurred on July 15, a few days after the product was uploaded, and the listing was removed even though Etsy's legal team permitted me to keep it published.

Furthermore, a receipt screenshot showing my purchase of the design from Etsy (Exhibit F) demonstrates that I bought the design from a seller on Etsy without any reasonable suspicion that it could have belonged to another party. This evidence proves that I am a victim of circumstance, not an infringer, and had no intention of violating copyright laws. In an effort to resolve this matter amicably, I previously offered the claimant not just my profit but my entire revenue from that single sale, despite having no knowledge that the design was hers. This offer was made as a middle ground between the claimant's unreasonable request for $5,000 and completely ignoring the issue. The claimant's request for $5,000 lacks merit, given the minimal financial impact and my prompt, good-faith actions to resolve the situation.

The importance of this issue should lie in its capacity to prevent future infringements, not the financial harm of approximately $10. However, the good faith presented on my behalf, the evidence showing the purchase of the design from Etsy, and my willingness to rectify a situation despite being another victim shows that the result of the matter will be inconsequential in terms of encouraging or discouraging future infringements as the respondent party of this case has proven that they reasonably and rightfully believed that their use of the material was permissible due to their purchase. By ignoring the narrow scope of the issue, refusing to disclose actual damages, and rejecting all efforts to mediate, the claimant party has placed themselves in a position in which their purpose does not seem to align with the values and promises of our legal system.

Celil Akgobek



Proof of Delivery

I hereby certify that on Saturday, May 25, 2024, I provided a true and correct copy of the Position Statement to the following:

Wendy Papula, represented by Wendy Papula, served via ESERVICE at wpapula@gmail.com

Signed: /s/ Celil Akgobek