

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

VIKTORIA TITOVA, an individual,
Plaintiff,

v.

EMERALD BALLET THEATRE, AKA
BELARTS BALLET, a non-profit
corporation,
Defendant.

NO.

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

JURY DEMAND

Plaintiff Viktoria Titova (“Titova” or “Plaintiff”), in support of her Complaint against Defendant Emerald Ballet Theatre d/b/a BelArts Ballet (“EBT” or “Defendant”), hereby alleges as follows:

I. INTRODUCTION

1. This is an action based upon violations of the Copyright Act, 17 U.S.C. § 501, *et seq.* This action and the claims herein arises out of EBT’s misappropriation of Titova’s intellectual property and unlawful copying of Titova’s copyrighted materials. Titova seeks preliminary and/or permanent injunctive relief to enjoin EBT from future violations, monetary damages, an award of attorneys’ fees and costs, and all such additional relief as may be just, proper, or necessary.

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II. THE PARTIES

2. Plaintiff Viktoria Titova is an individual residing in King County, Washington.

3. Defendant Emerald Ballet Theatre, d/b/a BelArts Ballet, is a Washington State nonprofit corporation with its principal place of business at 12340 Northup Way, Bellevue, Washington 98005.

III. JURISDICTION AND VENUE

4. This is a civil action for copyright infringement arising under the Copyright Act, 17 U.S.C. § 501, et seq.

5. This Court has subject matter jurisdiction pursuant to 17 U.S.C. § 501, et seq., and 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over EBT, which has and is engaged in business activities in and directed to Washington.

7. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 1400 because EBT maintains its principal place of business in this District, its officers are located in this District, and a substantial part of the events or omissions giving rise to the claim occurred in this District.

IV. FACTUAL BACKGROUND AND GENERAL ALLEGATIONS

A. Viktoria Titova's Copyrighted *Nutcracker* Choreography

8. Viktoria Titova is a Bolshoi-trained ballerina. In addition to being a world-class performer, she is a dynamic choreographer and a dedicated teacher.

9. In 2006, Titova developed original choreography for the Christmas story *The Nutcracker*, a two-act story ballet set to a score by Pyotr Tchaikovsky (the "Copyrighted *Nutcracker* Choreography").

10. Titova's Copyrighted *Nutcracker* Choreography includes original combinations of dance steps and movements, structure, and staging elements.

1 11. Titova obtained a copyright registration for her Copyrighted *Nutcracker*
2 Choreography in 2007.

3 12. Titova's Copyrighted *Nutcracker* Choreography is protected under U.S.
4 Copyright Registration No. PA 1-354-246.

5 13. U.S. Copyright Registration No. PA 1-354-246 is a valid copyright registration
6 and is duly and properly registered with the United States Copyright Office.

7 14. A true and correct copy of the U.S. Copyright Office Certificate of Registration
8 for U.S. Copyright Registration No. PA 1-354-246 is attached as Exhibit A and incorporated
9 herein by reference.

10 15. Titova owns the rights to her Copyrighted *Nutcracker* Choreography, including
11 the exclusive rights to perform or display it and the right to prepare derivative works.

12 **B. Emerald Ballet Academy and Emerald Ballet Theatre**

13 16. On or about March 28, 2007, Titova founded Emerald Ballet Theatre ("EBT"), a
14 501(c)(3) nonprofit corporation organized under the laws of the State of Washington and
15 dedicated to the performing arts, specifically dance.

16 17. On or about June 21, 2010, Titova founded Emerald Ballet Academy, LLC
17 ("Ballet Academy"), a for-profit ballet academy organized under the laws of the State of
18 Washington.

19 18. Since 2010 and through the present, Titova has served as owner, Artistic Director,
20 and Ballet Master for the Ballet Academy. Under her leadership, the Ballet Academy has grown
21 into one of the premiere ballet academies in the Seattle metropolitan region.

22 19. Since EBT's founding in 2007 and until June 2024, Titova served as Artistic
23 Director and President of EBT's Board of Directors.

24 20. During the time Titova led both the Ballet Academy and EBT, Ballet Academy
25 students performed in EBT-produced performances, including *The Nutcracker*.

26 21. Titova is no longer affiliated with EBT in any way and has not been since June

2024.

C. Authorized and Unauthorized Performances of Titova's *Nutcracker* Choreography

22. Each year since 2006, Titova has staged performances of *The Nutcracker* using her Copyrighted *Nutcracker* Choreography.

23. Between 2007 and 2023, Titova staged performances of her Copyrighted *Nutcracker* Choreography with EBT, cast primarily with students from her Ballet Academy.

24. In 2024, following her departure from EBT, Titova staged performances of her Copyrighted *Nutcracker* Choreography exclusively with the Ballet Academy.

25. Titova continues to stage performances of her Copyrighted *Nutcracker* Choreography with her students at the Ballet Academy. Several performances are planned for December 2025.

26. Notwithstanding Titova's departure from EBT in June 2024, EBT staged performances of *The Nutcracker* in 2024 that copied Titova's Copyrighted *Nutcracker* Choreography.

27. EBT did not have permission or license from Titova to use any of her Copyrighted *Nutcracker* Choreography for the EBT performances in 2024.

28. Titova, through counsel, expressly reiterated to EBT in August 2024 that Titova owned the choreography she created for *The Nutcracker*.

29. In August 2024, Titova, through counsel, expressly notified EBT that EBT did not have permission to use her Copyrighted *Nutcracker* Choreography.

30. Notwithstanding Titova's August 2024 communications, EBT staged performances of *The Nutcracker* in 2024 using Titova's Copyrighted *Nutcracker* Choreography.

31. EBT's 2024 performances of *The Nutcracker* infringed Titova's copyright to her Copyrighted *Nutcracker* Choreography.

32. At the time EBT infringed Titova's copyright in or about December 2024, EBT knew that its acts infringed Titova's copyright and engaged in intentional acts of infringement

1 Alternatively, EBT acted with reckless disregard for, or willful blindness to, Titova's copyright
2 rights.

3 33. On information and belief, EBT profited from its infringing performances.

4 34. In July 2025, Titova, through counsel, again notified EBT that EBT did not have
5 rights or permission to use her Copyrighted *Nutcracker* Choreography.

6 35. On or about November 8, 2025, EBT presented excerpts of Titova's Copyrighted
7 *Nutcracker* Choreography in a public performance.

8 36. On information and belief, EBT plans to stage more performances of *The*
9 *Nutcracker* in December 2025.

10 37. On information and belief, EBT plans to use some or all of Titova's Copyrighted
11 *Nutcracker* Choreography in its 2025 performances of *The Nutcracker*.

12 38. EBT did not request or obtain permission or license to use any of Titova's
13 Copyrighted *Nutcracker* Choreography in its 2024 performances.

14 39. EBT has not requested or obtained permission or license to use any of Titova's
15 Copyrighted *Nutcracker* Choreography in its 2025 or any subsequent performances.

16 40. EBT's violations of Titova's copyright are willful, deliberate, intentional, and
17 committed with prior notice and knowledge of Titova's rights.

18 41. EBT's conduct has caused and continues to cause significant and irreparable harm
19 to Titova.

20 42. Titova brings this action to recover damages for the harm it has sustained and to
21 obtain injunctive relief prohibiting EBT from committing any further violations and
22 infringements.

23 **V. COUNT 1 – COPYRIGHT INFRINGEMENT**

24 43. Titova realleges and incorporates herein by reference the allegations contained in
25 the Paragraphs above.

26 44. Titova is the owner of the right, title, and interest in her Copyrighted *Nutcracker*

1 Choreography.

2 45. Titova registered her copyright in her Copyrighted *Nutcracker* Choreography
3 with the United States Copyright Office.

4 46. Titova is the owner of the right, title, and interest in U.S. Copyright Registration
5 No. PA 1-354-246.

6 47. Titova has exclusive rights in her Copyrighted *Nutcracker* Choreography under
7 17 U.S.C. § 106.

8 48. EBT infringed Titova's Copyrighted *Nutcracker* Choreography under 17 U.S.C.
9 § 501 et seq. by copying and performing, without any authorization or approval from Titova, her
10 Copyrighted *Nutcracker* Choreography, or derivations based thereon, and/or by making other
11 infringing uses of her copyrighted work.

12 49. EBT is liable to Titova under 17 U.S.C. § 504 for either Titova's actual damages
13 and any additional profits of EBT as the infringer or for statutory damages.

14 50. Furthermore, since EBT willfully infringed Titova's copyrighted work, on more
15 than one occasion, and in direct competition with Titova and the Ballet Academy, EBT is liable
16 to Titova for maximum statutory damages under 17 U.S.C. § 504(c)(2).

17 51. Furthermore, Titova is entitled to injunctive relief under 17 U.S.C. § 502 and to
18 an order impounding all infringing materials, if any, under 17 U.S.C. § 503.

19 52. Finally, and particularly in light of EBT's willful violations of Titova's copyright,
20 Titova is also entitled to recover her attorneys' fees and costs under 17 U.S.C. § 505.

21 **VI. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs pray for relief as follows:

23 1. A preliminary and/or permanent injunction enjoining EBT, and its agents or
24 assigns, from copying, reproducing, performing, displaying, selling, or other using Titova's
25 Copyrighted *Nutcracker* Choreography or any derivative works based thereon without
26 authorization from Titova;

2. An award of Titova's special, actual, and/or statutory damages as follows:

a. Plaintiffs' damages and EBT's profits pursuant to 17 U.S.C. § 504(b), or, alternatively,

b. Enhanced statutory damages, pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 504(c)(2), for Defendants' willful infringement of Titova's Copyrighted *Nutcracker* Choreography;

3. An award of costs and attorneys' fees to Plaintiffs under 17 U.S.C. § 505;

4. Leave to amend this pleading to conform to evidence discovered during the course of litigation and/or the evidence at trial;

5. Such other and further relief necessary to protect Titova's rights and interests in Titova's Copyrighted *Nutcracker* Choreography; and

6. Such other and further relief as the Court deems just, proper, or equitable.

DATED this 3rd day of December, 2025

FOSTER GARVEY PC

By



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Attorneys for Plaintiff Viktoria Titova

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number:

PA 1-354-246

Effective date of registration:

March 7, 2007

Marybeth Peters

Register of Copyrights, United States of America

Title

Title of Work: The Nutcracker

Nature of Work: Choreography

Completion/Publication

Year of Completion: 2006

Date of 1st Publication: November 25, 2006

Nation of 1st Publication: United States

Author

Author: Viktoria Titova

Nature of Authorship: choreographer

Work made for hire: No

Citizen of: United States

Year Born: 1972

Copyright claimant

Copyright Claimant: Viktoria Titova

5309 NE 261st Pl., Lake Forest Park, WA 98155

Limitation of copyright claim

Previously registered: No

Certification

Name: Viktoria Titova

Date: February 23, 2007