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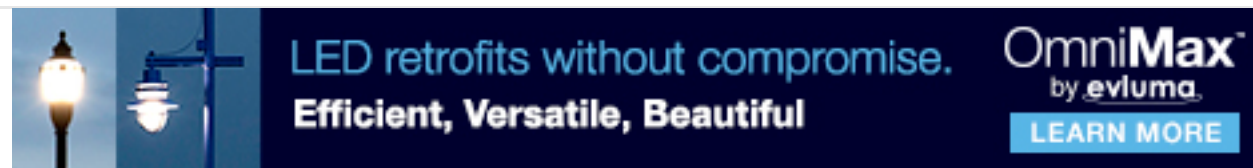
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Legal Headache for Lighting Agent

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A legal headache for one lighting agent may put a spotlight on indemnity clauses

British photographer, Richard Southall, has filed a trademark infringement lawsuit against Force Partners, a Chicago lighting agent. Southall is accusing the lighting agency of using a copyrighted photo on the Force Partners website in 2017, the same year the agency was founded. According to the complaint, Southall is a commercial photographer who specializes in architectural and interior photography.

The photograph in question is of the Aqua Shard restaurant in London which is on the 31st floor of Western Europe's tallest building, The Shard. Internet archives of the Force Partners website reveal that one of Force Partners web pages displayed an image which appears to be the same exact image Southall claims to own. According to website archives, the image was saved on the Force Partners website server under the filename "aqua_shard_1.jpg."

We contacted both principals of Force Partners, Brian Dauskurdas and Pete Kokuzian, via both phone and email on Friday, August 14. They were unaware of the lawsuit because they have not yet been served with the summons, but they did provide a statement:

"It was brought to our attention in 2017, that a third party web developer we contracted with, allegedly used a non-stock background photo for our initially launched website. The claim from the photographer was never validated. We were unaware of this filing until you brought it to our attention last Friday. It's now in the hands of our legal team to address."

Brian Dauskurdas and Pete Kokuzian, Principals, Force Partners

Web Design Services for Lighting Agents

It's common for lighting agents to outsource web design services to third parties. There are two fairly popular companies that provide those services to a long list lighting agents throughout the U.S. and Canada; Your Lighting Brand (YLB) and SpecSeek. The Force Partners current website in August 2020 is powered by Your Lighting Brand. For that reason, we took increased interest in this legal matter in case this lawsuit was an indication that there was potential widespread copyright infringement risk peppered throughout the lighting industry.

Our investigation found that *Your Lighting Brand was not involved* with the Force Partners website in 2017.

A close look at the HTML code of the Force Partners 2017 website reveals the name "Bill Bostrom" as the possible web designer. Bostrom is a Chicago area freelancer who markets many services including graphic design, branding and web design. According to Bostrom's website, one of his past branding clients is Chicago Lightworks, another Chicago area lighting agent.

A similar lawsuit awarded a Plaintiff \$1.3M in damages

In 2017 Restoration Hardware accused Lighting Design Wholesalers of posting 13 copyrighted images on the Lighting Design Wholesalers website without proper authorization. The Plaintiff was awarded \$100,000 per instance for a total of \$1,300,000.

Indemnity Clause: Force Partners' exposure may come down to one paragraph

If all of the above allegations are true, the liability exposure of Force Partners may come down to the indemnity clause that was written into the web design contract, if one exists. That alone will not likely get them off the hook, however. The lawsuit cites Force Partners as the Defendant and that, of course, is not transferable. If Force Partners is forced to pay damages, they may have a case to sue the independent freelancer depending on the existence and strength of an indemnity clause.

An email to Bill Bostrom was not immediately returned before press time.

 **Southall vs. Force Partners legal complaint (https://inside.lighting/download_file/view/1288/715)**

 **The Restoration Hardware vs. Lighting Design Wholesalers judgment (https://inside.lighting/download_file/view/1287/715)**

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Sold in 2007 for \$10.3B. Bought in 2020 for \$8B.

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