DAVID CHIU, SBN 189542
City Attorney
YVONNE R. MERÉ, SBN 173594
Chief Deputy City Attorney
SARA J. EISENBERG, SBN 269303
Chief of Complex and Affirmative Litigation
RONALD H. LEE, SBN 238720
Assistant Chief of Complex and Affirmative Litigation
KARUN A. TILAK, SBN 323939
MIGUEL A. GRADILLA, SBN 304125
DAVID S. LOUK, SBN 304654
Deputy City Attorneys
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, CA 94102-5408
Telephone: (415) 355-3308 (Tilak)
                       (415) 554-3870 (Gradilla)
                       (415) 355-3314 (Louk)
Facsimile: (415) 437-4644
E-Mail: Karun.Tilak@sfcityatty.org
                      Miguel.Gradilla@sfcityatty.org
                      David.Louk@sfcityatty.org

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA, acting by
and through San Francisco City Attorney DAVID CHIU

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

PEOPLE OF THE STATE OF CALIFORNIA, acting by and through San Francisco City Attorney DAVID CHIU,
 	
    Plaintiff,
 	
    vs.
 	
SOL ECOM, INC., BRIVER LLC, ITAI TECH LTD., DEFIREX OÜ, ITAI OÜ, AUGUSTIN GRIBINETS, and DOES #1 through #50,
 	
    Defendants.
	Case No. CGC-24-617237
	
	FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES FOR VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200

1

Plaintiff, the People of the State of California (the "People"), acting by and through San Francisco City Attorney David Chiu, brings this action against Sol Ecom, Inc., Briver LLC, Itai Tech Ltd., Defirex OÜ, Itai OÜ, Augustin Gribinets, and Does #1 through #50 (together, the "Defendants"), and alleges as follows:

INTRODUCTION

1. Rapid advancements in the field of artificial intelligence ("AI") in recent years have created immense opportunities for innovation, with major implications for scientific research, healthcare, education, computing, and beyond.

2. Among the most significant developments is the emergence of generative AI models that have the capacity to create content, be it in the form of text, speech, images, video, or music.

3. Despite the potential for generative AI models to improve people's lives, they also present new and profound safety and privacy concerns. In particular, some generative AI models have been released to the public as open source with the goal of fostering innovation and collaboration, but have been adapted and misused for illegal and harmful purposes.

4. One disturbing form of misuse is the adaptation of open-source AI image generation models to create fake pornographic and sexual abuse content depicting real, identifiable women and girls, so-called "deepfake pornography" or "deepnudes."

5. These models have led to the proliferation of websites and apps that offer to "undress" or "nudify" women and girls. By exploiting open-source AI image generation models, these websites and apps manipulate images of real women and girls without their consent to create photorealistic images showing these women and girls with AI-generated nude bodies and intimate body parts.

6. Defendants operate some of the world's most popular websites that offer to nudify images of women and girls. The primary purpose of Defendants' websites is to create fake, nude images of women and girls without their consent. Defendants tout their ability to let users "see anyone naked." As one Defendant puts it: "[i]magine wasting time taking her out on dates, when you can just use [the website] to get her nudes." Collectively, these sites have been visited over 200 million times just in the first six months of 2024.

2

7. Nonconsensual intimate images ("NCII") generated from Defendants' websites—and other similar websites—are used to bully, threaten, and humiliate women and girls.[1] In California and across the country, there has been a stark increase in the number of women and girls harassed and victimized by AI-generated NCII, and this distressing trend shows no sign of abating. For example, in February 2024, AI-generated nude images of sixteen eighth-grade students were circulated among students at a California middle school.[2] Reports of the use of AI-generated NCII to target and bully schoolchildren—primarily girls—in California and across the country abound.[3] The Federal Bureau of Investigation has also warned of an uptick in instances of extortion schemes where bad actors use public social media pictures of their victims to create AI-generated nude and sexually explicit images and threaten to release the images if the victims do not pay them.[4]

---

[1] Coralie Kraft, *Trolls Used Her Face to Make Fake Porn. There Was Nothing She Could Do*, The New York Times Magazine (July 31, 2024), https://www.nytimes.com/2024/07/31/magazine/sabrina-javellana-florida-politics-ai-porn.html (archived at https://perma.cc/5XNQ-22RB).

[2] Jon Healey, *Beverly Hills School District Expels 8th Graders Involved In Fake Nude Scandal*, Los Angeles Times (Mar. 7, 2024), https://www.latimes.com/california/story/2024-03-07/beverly-hills-school-district-expels-8th-graders-involved-in-fake-nude-scandal (archived at https://perma.cc/57AT-NMXE).

[3] Howard Blume, *L.A. School District Probes Inappropriate Images Shared at Fairfax High. More AI Abuse?*, Los Angeles Times (Apr. 9, 2024), https://www.latimes.com/california/story/2024-04-09/student-generated-inappropriate-ai-image-of-girls-at-fairfax-high (archived at https://perma.cc/B8CK-68E6); Bridget Chavez, *No Charges as AI-Generated Nude Pictures of Female Students Circulate Around Issaquah School*, KIRO7.com (Nov. 9, 2023), https://www.kiro7.com/news/local/no-charges-ai-generated-nude-pictures-female-students-circulate-around-issaquah-school/MCQTOKWRVREPTK3K2IAQWTRR6U/ (archived at https://perma.cc/84CJ-WQXL); Hannah Fry, *Laguna Beach High School Investigates 'Inappropriate' AI-generated Images of Students*, Los Angeles Times (Apr. 2, 2024), https://www.latimes.com/california/story/2024-04-02/laguna-beach-high-school-investigating-creation-of-ai-generated-images-of-students (archived at https://perma.cc/S4EG-KUY7); Josh Haskell, *Calabasas Teen Says Classmate Not Disciplined For Sharing Real and Fake Nude Images of Her*, ABC7.com (Mar. 14, 2024), https://abc7.com/calabasas-high-school-student-accuses-classmate-sharing-real-and-fake-nude-photos/14521422/ (archived at https://perma.cc/S68X-8V9B); Anthony Johnson, *Call for Action at Westfield High School After AI Used to Make Fake Pornographic Images of Girls*, ABC7NY.com (Nov. 3, 2023), https://abc7ny.com/nj-westfield-high-school-artificial-intelligence-pornographic-images/14009286/ (archived at https://perma.cc/G9XZ-4D3G); Liz Landers et al., *A 15-year-old's Prom Picture was Altered into AI-created Nudes*, Scripps News (May 22, 2024), https://www.scrippsnews.com/politics/disinformation-desk/high-schools-nationwide-are-facing-a-new-problem-ai-generated-nudes (archived at https://perma.cc/HSV8-X56K).

[4] James Vincent, *Blackmailers are Using Deepfaked Nudes to Bully and Extort Victims, Warns FBI*, The Verge (June 8, 2023), https://www.theverge.com/2023/6/8/23753605/ai-deepfake-sextortion-nude-blackmail-fbi-warning (archived at https://perma.cc/9E4N-DDHX).

First Amended Complaint; Case No. CGC-24-617237   n:\cxlit\li2024\240870\01780061.docx

1   8.   Victims have little to no recourse, as they face significant obstacles to remove these

2   images once they have been disseminated. They are left with profound psychological, emotional,

3   economic, and reputational harms, and without control and autonomy over their bodies and images.

4   As one victim explained, "I felt like I didn't have a choice in what happened to me or what happened

5   to my body."[5] Another emphasized that she and her family live in "hopelessness and perpetual fear

6   that, at any time, such images can reappear and be viewed by countless others."[6]

7   9.   Given the widespread availability and popularity of Defendants' websites, San

8   Franciscans and Californians face the threat that they or their loved ones may be victimized in this

9   manner.

10   10.   Defendants' conduct violates state and federal laws prohibiting the creation, possession,

11   disclosure, and distribution of AI-generated NCII and similar forms of sexual abuse and harassment.

12   11.   The People bring this case to hold Defendants accountable for creating and distributing

13   AI-generated NCII of women and girls and for aiding and abetting others in perpetrating this conduct.

14   **PARTIES**

15   12.   Plaintiff, the People of the State of California, acting by and through San Francisco

16   City Attorney David Chiu, prosecutes this action pursuant to Business and Professions Code section

17   17200 *et seq*.

18   13.   Defendant Sol Ecom, Inc. ("Sol Ecom") is a corporation organized under the laws of

19   the state of Florida with its principal place of business at 610 South Main Street, Apartment 730, Los

20   Angeles, California, 90014. Sol Ecom owns and operates the website ▉▉▉▉▉▉▉ which produces

21   AI-generated NCII of adults.

22   14.   Defendant Briver LLC ("Briver") is a corporation organized under the laws of the state

23   of New Mexico with its principal place of business at 530-B Harkle Road, Suite 100, Santa Fe, New

---

[5] Coralie Kraft, *supra* n.1.

[6] Charles Toutant, *An AI Took Her Clothes Off. Now a New Lawsuit Will Test Rules for Deepfake Porn*, Law.com (Feb. 5, 2024), https://www.law.com/njlawjournal/2024/02/05/an-ai-took-her-clothes-off-now-a-new-lawsuit-will-test-rules-for-deepfake-porn/?slreturn=20240704180530, (archived at https://perma.cc/7ENN-Y6VH).

4

Mexico 87505. Briver owns and operates the websites ████████ and ████████, which produce AI-generated NCII of adults and children.

15.   Defendant Itai Tech Ltd. ("Itai Tech") is a corporation organized under the laws of the United Kingdom with its registered office address at 81 Anthony Drive, Norwich, England, United Kingdom, NR3 4EW. Itai Tech owns and operates the websites ████████, ████████, ████████, and ████████. The website ████████ produces AI-generated NCII of adults. The website ████████ produces AI-generated NCII of adults and children. On information and belief, the websites ████████ and ████████ produce AI-generated NCII of adults.

16.   Defendant Defirex OÜ ("Defirex") is a corporation organized under the laws of Estonia with a registered address at Vesivärava tn 50-301, Kesklinna Iinnaosa, 10152 Tallinn and a contact address at Väike-Paala tn 2, Lasnamäe Iinnaosa, 11415 Tallinn. Defirex owns and operates the website ████████. On information and belief, ████████ produces AI-generated NCII of adults.

17.   Defendant Itai OÜ is a corporation organized under the laws of Estonia with a contact address of Järvevana tee 9, Kesklinna Iinnaosa, 11314 Tallinn. Itai OÜ has a registered address of Branka Bajića 9e, Novi Sad, Serbia. Itai OÜ owns and operates the website ████████, which produces AI-generated NCII of adults.

18.   Defendant Augustin Gribinets ("Gribinets") is a resident of Estonia. Gribinets owns and operates the website ████████, which produces AI-generated NCII of adults and children.

19.   Defendant Doe #1 owns and operates the website ████████, which produces AI-generated NCII of adults and children. The People are not currently aware of the true identity of Doe #1, and therefore sue this Defendant under a fictitious name. The People will seek leave to amend this complaint to allege Doe #1's true identity when that information is ascertained.

20.   Defendant Doe #2 owns and operates the websites ████████ and ████████, which produce AI-generated NCII of adults and children. The People are not currently aware of the true identity of Doe #2, and therefore sue this Defendant under a fictitious name. The People will seek leave to amend this complaint to allege Doe #2's true identity when that information is ascertained.

5

21.   Defendant Doe #3 owns and operates the website ██████████ which produces AI-generated NCII of adults and children. The People are not currently aware of the true identity of Doe #3, and therefore sue this Defendant under a fictitious name. The People will seek leave to amend this complaint to allege Doe #3's true identity when that information is ascertained.

22.   Defendant Doe #4 owns and operates the website ███████, which produces AI-generated NCII of adults and children. The People are not currently aware of the true identity of Doe #4, and therefore sue this Defendant under a fictitious name. The People will seek leave to amend this complaint to allege Doe #4's true identity when that information is ascertained.

23.   Defendant Doe #5 owns and operates the website ████████, which produces AI-generated NCII of adults. The People are not currently aware of the true identity of Doe #5, and therefore sue this Defendant under a fictitious name. The People will seek leave to amend this complaint to allege Doe #5's true identity when that information is ascertained.

24.   The People are not aware of the true names and capacities of Defendants sued as Does #6 through #50, inclusive, and therefore sue these Defendants by such fictitious names. Each fictitiously named Defendant is responsible in some manner for the violations of law alleged. The People will seek leave to amend this complaint to allege their true names and capacities when that information is ascertained.

25.   Whenever this Complaint refers to "Defendants," such reference shall include Does 1 through 50 as well as the named Defendants.

26.   Whenever this complaint refers to any act of any corporate defendant, such allegation shall be deemed to mean that such corporate defendant did the acts alleged in the complaint through its officers, directors, agents, employees, and/or representatives while they were acting within the actual or ostensible scope of their authority.

27.   On information and belief, each Defendant owns and operates other websites that produce AI-generated NCII of adults and/or children. The People will seek leave to amend this complaint to identify these additional websites when that information is ascertained.

JURISDICTION AND VENUE

28. The San Francisco Superior Court has jurisdiction over this action. Upon information

and belief, Defendants are engaging in unlawful and unfair business practices in San Francisco, and

the San Francisco City Attorney has statutory authority to prosecute this case on behalf of the People.

29. Venue is proper in this Court because, upon information and belief, the unlawful

conduct occurred in San Francisco and elsewhere in California.

FACTUAL ALLEGATIONS

I.   The Development and Misuse of Open-Source AI Image Generation Models

30. Among the most significant recent developments in AI is the advent of highly

sophisticated generative AI models. While the specific computing techniques used in these models

differ, in general these models are fed vast quantities of data and are trained to detect patterns and

generate new content that mimics the information they have ingested.

31. Several companies have deployed this technology to develop AI models specifically

designed to generate images or edit existing images based on text prompts from users. These models

are trained on enormous datasets consisting of hundreds of millions of images and associated text from

the Internet, and learn to recognize features of these images and the text descriptions associated with

such features.

32. Several such models are made available to the public as "open-source" models. With

an open-source model, any member of the public can adapt and train a specific implementation of that

model on additional images in order to hone (or "fine tune") its ability to generate specific kinds of

content. These models can be modified and adapted by anyone for almost any purpose.

Consequently, these open-source models have been adapted and trained to create new fine-tuned

versions that are highly effective at generating pornographic content.[7] Even where the creators of

these open-source models subsequently incorporate safeguards into new releases of the model, earlier

[7] Will Knight, *This Uncensored AI Art Tool Can Generate Fantasies—and Nightmares*, Wired (Sept. 21, 2022), https://www.wired.com/story/the-joy-and-dread-of-ai-image-generators-without-limits/ (archived at thttps://perma.cc/7MBU-CHRV); Lydia Morrish, *The Dark Side of Open Source AI Image Generators*, Wired (Mar. 6, 2024), https://www.wired.com/story/dark-side-open-source-ai-image-generators/ (archived at https://perma.cc/CUN9-VHMA).

releases—and fine-tuned versions trained to generate pornographic content—continue to circulate online.

33.   These highly popular fine-tuned versions generate not only pornographic content involving fictitious AI-generated individuals, but also manipulate images of real people to produce fictional pornographic content that depicts those individuals. The models are able to recognize clothing and body features in an image of a person, and can be further conditioned to manipulate the image to generate a fake, photorealistic image that maintains the person's face, but replaces their clothed body with a nude body—thus appearing to "undress" the person and display their intimate body parts. These models "undress" or "nudify" not only adults, but also children.

34.   These manipulated intimate images are generated without the consent of the persons depicted, resulting in the creation and dissemination of AI-generated NCII of these individuals.

35.   The availability of these fine-tuned versions designed to create AI-generated NCII has spawned the development of websites dedicated to creating "nudified" images of women and girls.[8] These websites offer user-friendly interfaces for uploading clothed images of real people to generate realistic "nudified" versions of those images. These websites require users to subscribe or pay to generate nude images. Some websites give users a "free trial," allowing them to create a limited number of free images as a way of enticing them to pay for additional images.

II.   Defendants Operate Popular Websites Used to Nudify Images of Women and Girls

36.   Defendants operate some of the world's most popular websites specifically designed to generate and distribute AI-generated NCII of women and girls.

Sol Ecom

37.   Sol Ecom owns and operates the website ███████. ███████ had over 12 million visits in the first six months of 2024.

38.   Users can access ███████ by signing in using their Google, Discord, or X accounts.

_____
[8] Santiago Lakatos, *A Revealing Picture*, Graphica (Dec. 8, 2023), https://graphika.com/reports/a-revealing-picture (archived at https://perma.cc/5BCN-G4R3).

8

1   39.   The website allows users to "deepnude girl[s] for free" by uploading an image and

2 using the website's AI technology to "undress" the image. Users are invited to upload a photo with

3 the message: "Have someone to undress?" Sol Ecom provides step-by-step instructions on how to

4 select images that will provide "good" quality nudified results.

5   40.   Users can upload an image of a clothed woman to ▮▮▮▮▮▮▮, and the site will

6 create a fake nude image of the subject.

7   41.   Sol Ecom allows users to generate a limited number of nudified images for free, after

8 which users must purchase credits (or "coins") in order to generate additional images. On information

9 and belief, users can purchase credits from Sol Ecom, or "dealers" affiliated with Sol Ecom, through a

10 variety of mobile and online payments platforms, including Apple Pay, PayPal, Venmo, and Cash

11 App, or using cryptocurrency.

12   42.   While the ▮▮▮▮▮▮ website purports to require users to obtain consent for the

13 images they use, Sol Ecom in fact accepts any image that a user wants to nudify and does not verify

14 that the depicted individual has consented to the nudification of her image.

15   43.   Sol Ecom knows that the primary purpose of websites like ▮▮▮▮▮▮ is to create

16 AI-generated NCII of identifiable women.

17   44.   Sol Ecom intentionally creates and distributes to, or otherwise knowingly encourages,

18 enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women to

19 users with the knowledge that these images will traumatize and cause severe emotional distress to the

20 depicted individuals if disclosed.

21   **Briver**

22   45.   Briver owns and operates the websites ▮▮▮▮▮ and ▮▮▮▮▮. ▮▮▮▮▮ had

23 approximately 4.85 million visits during the first six months of 2024. ▮▮▮▮▮ had close to

24 670,000 views during that time period.

25   46.   Briver promotes ▮▮▮▮▮ as a tool to "See Anybody Nude for FREE" and claims

26 that its technology "can undress any photo you upload." Briver likewise claims that the ▮▮▮▮▮

27 website provides the "Best Undress AI Tool" to "Nudify Anyone in Seconds."

28

9

1   47.   Users can access ████████ and ████████ by signing in using their Google

2   accounts.

3   48.   Users can upload an image of a clothed woman to ████████ and ████████, and the

4   sites will create fake nude images of the subject.

5   49.   Because Briver has failed to deploy available technology to detect images of minors,

6   users can upload an image of a clothed girl under 18 years old to ████████ and ████████, and the

7   sites will create fake nude images of the subject.

8   50.   Briver allows users to generate a limited number of nudified images for free, after

9   which users must purchase credits (or "gems") in order to generate additional images. On information

10   and belief, users can purchase credits from Briver using their credit cards, PayPal, or cryptocurrency.

11   51.   While the ████████ and ████████ websites purport to require users to obtain

12   consent for the images they use, Briver in fact accepts any image that a user wants to nudify and does

13   not verify that the depicted individual has consented to the nudification of her image. Indeed, both

14   websites emphasize that they can be used to "see anybody nude" and "nudify anyone."

15   52.   Briver knows that the primary purpose of websites like ████████ and ████████ is

16   to create AI-generated NCII of identifiable women and girls.

17   53.   Briver intentionally creates and distributes to, or otherwise knowingly encourages,

18   enables, and facilitates the creation and distribution of, nonconsensual nude images of identifiable

19   women and girls to users with the knowledge that these images will traumatize and cause severe

20   emotional distress to the depicted individuals if disclosed.

21   **Itai Tech**

22   54.   Itai Tech owns and operates a number of websites that offer to nudify images of clothed

23   people, including, but not limited to, ████████, ████████, ████████, and ████████.

24   55.   In the first six months of 2024, ████████ had 26.6 million visits, ████████ had

25   nearly 15.5 million visits, ████████ had 14.4 million visits, and ████████ had 133,924 visits.

26   56.   Itai Tech promotes the ████████ website as a way to "[s]ee anybody nude for free."

27   Similarly, on ████████, Itai Tech claims that users can "[s]ee anyone naked with the most realistic

28   undress AI app." On the ████████ website, Itai Tech displays a visual depiction of how the

10

website's "Deepnude AI" technology nudifies images of a clothed woman, with the tagline "[j]ust upload a picture and get the result." And Itai Tech touts its ability to "[e]ffortlessly produce authentic undressed AI images" on the ████████ website.

57.   Users can access ████████ ████████, and ████████ by signing in using their Google or Discord accounts.

58.   Users can upload an image of a clothed woman to ████████, and the site will create a fake nude image of the subject.

59.   Itai Tech allows users to generate a limited number of nudified images on ████████ for free, after which users must purchase credits using a subscription plan in order to generate additional images. On information and belief, users can purchase credits from Itai Tech using PayPal or cryptocurrency.

60.   Users can upload an image of a clothed woman to ████████, and the site will create a fake nude image of the subject.

61.   Because Itai Tech has failed to deploy available technology to detect images of minors, users can upload an image of a girl under 18 years old to ████████, and the site will create a fake nude image of the subject.

62.   Itai Tech allows users to generate a limited number of nudified images on ████████ for free, after which users must purchase credits in order to generate additional images. On information and belief, users can purchase credits from Itai Tech using cryptocurrency.

63.   On information and belief, users can upload an image of a clothed woman to ████████, and the site will create a fake nude image of the subject.

64.   On information and belief, users can upload an image of a clothed woman to ████████, and the site will create a fake nude image of the subject.

65.   Itai Tech allows users to partially "undress" images of clothed women for free on the ████████ and ████████ websites, generating AI-modified versions of these images depicting the women in bikinis or lingerie. In order to generate a nude image, users must purchase credits through a subscription plan. On information and belief, users can purchase credits from Itai Tech using cryptocurrency.

11

66.   While Itai Tech purports to require users to obtain consent for the images they use, it in fact accepts any image that a user wants to nudify and does not verify that the depicted individual has consented to the nudification of her image. Indeed, its websites emphasize the ability to see "anybody" and "anyone" naked.

67.   Itai Tech knows that the primary purpose of websites like ██████, ██████, ██████, and ██████ is to create AI-generated NCII of identifiable women and girls.

68.   Itai Tech intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women and girls to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

69.   On information and belief, Itai Tech operates other websites that nudify images of women and girls without their consent, and through which Itai Tech intentionally creates and distributes, and aids and abets the creation of, AI-generated NCII that it knows will traumatize and cause severe emotional distress to depicted individuals.

Defirex

70.   Defirex owns and operates the website ██████. ██████ had 18.8 million visitors in the first six months of 2024.

71.   Defirex promotes ██████ as a website to "[g]enerate highly-realistic AI nudes in a few clicks."

72.   Users can access ██████ by signing in using their Google, Discord, or Apple accounts.

73.   On information and belief, users can upload an image of a clothed woman to ██████, and the site will create a fake nude image of the subject.

74.   Defirex allows users to partially "undress" images of clothed women for free on the ██████ website, generating AI-modified versions of these images depicting women in bikinis or lingerie. In order to generate a nude image, users must purchase credits through a subscription plan. On information and belief, users can purchase credits from Defirex using PayPal, credit or debit cards, or cryptocurrency.

12

75. While the ███████ website purports to require users to obtain consent for the images they use, Defirex in fact accepts any image that a user wants to nudify and does not verify that the depicted individual has consented to the nudification of her image.

76. Defirex knows that the primary purpose of websites like ███████ is to create AI-generated NCII of identifiable women.

77. Defirex intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

Itai OÜ

78. Itai OÜ owns and operates the website ███████. ███████ had over 6.1 million visits in the first six months of 2024.

79. Itai OÜ promotes ███████'s "unparalleled precision in generating deepfake nudes," and claims that the website creates "AI-generated photos that simulate undressing, available for anyone online."

80. Users can access the ███████ by signing in using their Google or Discord accounts.

81. Users can upload an image of a clothed woman to ███████, and the site will create a fake nude image of the subject.

82. Itai OÜ allows users to generate a blurred nudified image for free. In order to reveal the nudified image or generate additional images, users must purchase credits. On information and belief, users can purchase credits from Itai OÜ using PayPal, Apple Pay, Google Pay, credit or debit cards, or cryptocurrency.

83. Itai OÜ fails to verify that depicted individuals in the images generated by ███████ have consented to the nudification of their respective images.

84. Itai OÜ knows that the primary purpose of websites like ███████ is to create AI-generated NCII of identifiable women.

13

85. Itai OÜ intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

Gribinets

86. Gribinets owns and operates the website ███████. ███████ had over 5.8 million visits in the first six months of 2024.

87. Gribinets claims that ███████ will "[u]ndress anyone" and "remove[s] clothes from any photo within seconds."

88. Users can access ███████ by signing in using their Google, Discord, or Telegram accounts.

89. Users can upload an image of a clothed woman to ███████, and the site will create a fake nude image of the subject.

90. Because Gribinets has failed to deploy available technology to detect images of minors, users can upload an image of a clothed girl under 18 years old to ███████, and the site will generate a fake nude image of the subject.

91. Gribinets allows users to generate a limited number of nudified images for free, after which users must purchase credits in order to generate additional images. On information and belief, users can purchase credits from Gribinets using credit or debit cards, mobile and online payment services like Cash App or Link, and cryptocurrency.

92. While the ███████ website purports to require users to obtain consent for the images they use, Gribinets in fact accepts any image that a user wants to nudify and does not verify that the depicted individual has consented to the nudification of her image.

93. Gribinets knows that the primary purpose of websites like ███████ is to create AI-generated NCII of identifiable women and girls. Indeed, the website specifically promotes its use to generate nonconsensual images, stating "Imagine wasting time taking her out on dates, when you can just use ███████ to get her nudes."

14

94. Gribinets intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women and girls to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

Doe #1

95. Doe #1 owns and operates the website ███████. ███████ had over 32 million visits in the first six months of 2024.

96. Doe #1 promotes ███████ as "the best free AI deepnude nudifier to see anyone naked."

97. Users can access ███████ by signing in using their Google accounts.

98. Users can upload an image of a clothed woman to ███████, and the site will create a fake nude image of the subject.

99. Because Doe #1 has failed to deploy available technology to detect images of minors, users can upload an image of a clothed girl under 18 years old to ███████, and the site will create a fake nude image of the subject.

100. Doe #1 allows users to generate a limited number of nudified images for free, after which users must purchase credits in order to generate additional images. On information and belief, users can purchase credits from Doe #1 using cryptocurrency.

101. Doe #1 fails to verify that depicted individuals in the images generated by ███████ have consented to the nudification of their respective images. In fact, Doe #1 promotes the website as a way to see "anyone" naked.

102. Doe #1 knows that the primary purpose of websites like ███████ is to create AI-generated NCII of identifiable women and girls.

103. Doe #1 intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women and girls to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

15

Doe #2

104. Doe #2 owns and operates the website ███████ . ███████ had over 22.5 million visits in the first six months of 2024.

105. Doe #2 advertises ███████ as a website to "create your own AI porn."

106. Users can access ███████ by signing in using their Google accounts.

107. Users can upload an image of a clothed woman to ███████ , and the site will create a fake nude image of the subject.

108. Because Doe #2 has failed to deploy available technology to detect images of minors, users can upload an image of a clothed girl under 18 years old to ███████ and the site will create a fake nude image of the subject.

109. Doe #2 allows users to generate a limited number of nudified images for free on ███████ after which users must purchase credits (or "tokens") in order to generate additional images. On information and belief, users can purchase credits from Doe #2 using their bank cards or cryptocurrency.

110. On or after May 22, 2024, Doe #2 moved the "Undress" feature from ███████ to a new website called ███████ . However, on the ███████ website, Doe #2 assures users that "everything's staying the same for you: same functionality, prices, personal area, and features." The ███████ website claims to be the "ultimate undress tool" that allows users to "[s]ee anyone fully naked in seconds." It invites users to "[p]ick age, body type, and more for your perfect deepnude." ███████ has accumulated 166,000 views in the last three months.

111. Like ███████ , users can access ███████ by signing in using their Google accounts.

112. Users can upload an image of a clothed woman to ███████ , and the site will create a fake nude image of the subject.

113. Because Doe #2 has failed to deploy available technology to detect images of minors, users can upload an image of a clothed girl under 18 years old to ███████ and the site will create a fake nude image of the subject.

16

114. Doe #2 allows users to generate a limited number of nudified images for free on ███████, after which users must purchase credits in order to generate additional images. On information and belief, users can purchase credits from Doe #2 using cryptocurrency.

115. While the ████████ and ████████ websites purport to require users to obtain consent for the images they use, Doe #2 in fact accepts any image that a user wants to nudify and does not verify that the depicted individual has consented to the nudification of her image. In fact, ████████ makes clear that it can be used to "[s]ee anyone fully naked."

116. Doe #2 knows that the primary purpose of websites like ████████ and ████████ is to create AI-generated NCII of identifiable women and girls.

117. Doe #2 intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women and girls to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

Doe #3

118. Doe #3 owns and operates the website ████████. ████████ had almost 13.5 million visits in the first six months of 2024.

119. Doe #3 promotes ████████ as a tool to "see anyone naked" and claims that the website uses "the most powerful image deepfake AI" to allow users to "[s]ee any girl clothless [sic] with the click of a button." The website provides users with instructions to select images that will produce high-quality nudified images.

120. Users can access ████████ using their email addresses.

121. Users can upload an image of a clothed woman to ████████, and the site will create a fake nude image of the subject.

122. Because Doe #3 has failed to deploy available technology to detect images of minors, users can upload an image of a clothed girl under 18 years old to ████████, and the site will create a fake nude image of the subject.

17

123.   Doe #3 allows users to generate a limited number of nudified images for free, after which users must purchase credits in order to generate additional images. On information and belief, users can purchase credits from Doe #3 using cryptocurrency.

124.   Doe #3 fails to verify that depicted individuals in the images generated by █████████ have consented to the nudification of their respective images. In fact, Doe #3 promotes the website as a way to see "any girl clothless [sic]."

125.   Doe #3 knows that the primary purpose of websites like █████████ is to create AI-generated NCII of identifiable women and girls.

126.   Doe #3 intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women and girls to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

Doe #4

127.   Doe #4 owns and operates the website █████████ █████████ had over 20 million visits in the first six months of 2024.

128.   Doe #4 promotes █████████ as a website to "undress any photos," and invites visitors to "[u]ndress any girl photo or image to AI nudes NOW." The website's FAQs further confirm that the site will "remove clothing from a girl's photo."

129.   Users can access █████████ by signing in using their Google accounts.

130.   Users can upload an image of a clothed woman to █████████, and the site will create a fake nude image of the subject.

131.   Because Doe #4 has failed to deploy available technology to detect images of minors, users can upload an image of a clothed girl under 18 years old to █████████, and the site will create a fake nude image of the subject.

132.   Doe #4 allows users to generate a limited number of nudified images for free, after which users must purchase credits in order to generate additional images. On information and belief, users can purchase credits from Doe #4 using cryptocurrency.

133.   Doe #4 fails to verify that depicted individuals in the images generated by ████████ have consented to the nudification of their respective images. In fact, Doe #4 promotes the website as a way to "undress any photos."

134.   Doe #4 knows that the primary purpose of websites like ████████ is to create AI-generated NCII of identifiable women and girls.

135.   Doe #4 intentionally creates and distributes to, or otherwise knowingly encourages, enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women and girls to users with the knowledge that these images will traumatize and cause severe emotional distress to the depicted individuals if disclosed.

Doe #5

136.   Doe #5 owns and operates the website ████████. ████████ had approximately 26.9 million visits in the first six months of 2024.

137.   Doe #5 promotes ████████ as a website to "undress any photo with deepnude AI for free." Users are invited to upload a photo with the message: "Have someone to undress?" Doe #5 provides step-by-step instructions on how to select images that will provide "good" quality nudified results.

138.   Users can access ████████ by signing in using their Google, Apple, Discord, and X accounts.

139.   Users can upload an image of a clothed woman to ████████, and the site will create a fake nude image of the subject.

140.   ████████ also offers users the option to modify the image into various enumerated "sex pose[s]." On information and belief, users can upload an image of a clothed woman to ████████ and the site will create a fake nude image of the subject in a sexually explicit pose.

141.   Doe #5 allows users to generate a limited number of nudified images for free, after which users must purchase credits in order to generate additional images. Users can also pay for "VIP coins" to unlock certain features, such as the ability to modify clothed images to depict sexually explicit poses. On information and belief, users can purchase credits from Doe #5 using PayPal, Apple Pay, Cash App, Venmo, Wise, AliPay, and cryptocurrency.

19

142.   While the ███████ website purports to require users to obtain consent for the images

they use, Doe #5 in fact accepts any image that a user wants to nudify and does not verify that the

depicted individual has consented to the nudification of her image. In fact, ███████ makes clear

that it will "undress any photo."

143.   Doe #5 knows that the primary purpose of websites like ███████ is to create AI-

generated NCII of identifiable women.

144.   Doe #5 intentionally creates and distributes to, or otherwise knowingly encourages,

enables, and facilitates the creation and distribution of, AI-generated NCII of identifiable women to

users with the knowledge that these images will traumatize and cause severe emotional distress to the

depicted individuals if disclosed.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

VIOLATIONS OF BUSINESS AND PROFESSIONS CODE 17200

AGAINST ALL DEFENDANTS

145.   The People incorporate by reference the allegations contained in each paragraph above,

as if those allegations were fully set forth in this cause of action.

146.   California Business and Professions Code section 17200 prohibits any "unlawful,

unfair, or fraudulent business act or practice."

147.   Defendants have engaged in and continue to engage in unlawful business acts and

practices in violation of section 17200. Such acts and practices include, but are not limited to, the

following:

   a.   Defendants have violated California Civil Code section 1708.86(b)(1) prohibiting the

      creation and intentional disclosure of nonconsensual sexually explicit images, or aided

      and abetted violations of California Civil Code section 1708.86(b)(1) by the acts and

      practices set forth herein.

   b.   Defendants have violated California Civil Code section 1708.85(a) prohibiting the

      intentional distribution of nonconsensual depictions of intimate body parts, or aided and

20

1   abetted violations of California Civil Code section 1708.85(a) by their acts and

2   practices set forth herein.

3   c. Defendants have violated California Penal Code section 647(j)(4) prohibiting the

4   intentional distribution of nonconsensual depictions of intimate body parts of an

5   identifiable person, or aided and abetted violations of California Penal section 647(j)(4)

6   in violation of California Penal Code section 31 by the acts and practices set forth

7   herein.

8   d. Defendants have violated 15 U.S.C. § 6851(b)(1) prohibiting the knowing or reckless

9   disclosure in interstate commerce of intimate visual depictions of identifiable persons,

10   or aided and abetted violations of 15 U.S.C. § 6851(b)(1) by the acts and practices set

11   forth herein.

12   148.   Defendants have engaged in and continue to engage in unfair business acts and

13   practices in violation of section 17200. Defendants' acts and practices of creating nudified images

14   constitute unfair business practices because they offend established public policy, the harm they cause

15   to consumers greatly outweighs any benefits associated with those practices, and they are immoral,

16   unethical, oppressive, unscrupulous and/or substantially injurious to consumers.

SECOND CAUSE OF ACTION

VIOLATION OF BUSINESS AND PROFESSIONS CODE 17200

AGAINST DEFENDANTS BRIVER LLC, ITAI TECH LTD., AUGUSTIN GRIBINETS, DOE #1, DOE #2, DOE #3 & DOE #4

21   149.   The People incorporate by reference the allegations contained in each paragraph above,

22   as if those allegations were fully set forth in this cause of action.

23   150.   California Business and Professions Code section 17200 prohibits any "unlawful,

24   unfair, or fraudulent business act or practice."

25   151.   Defendants Briver LLC, Itai Tech Ltd., Augustin Gribinets, Doe #1, Doe #2, Doe #3,

26   and Doe #4 are engaged in and continue to engage in unlawful business acts and practices in violation

27   of section 17200. Such acts and practices include, but are not limited to, the following:

28

21

a. Each of the above-named Defendants has violated California Penal Code section 311.3(a) prohibiting the knowing development of nonconsensual obscene images of persons under the age of 18 years, or aided and abetted violations of California Penal section 311.3(a) in violation of California Penal Code section 31 by the acts and practices set forth herein.

b. Each of the above-named Defendants has violated California Penal Code section 311.2(a) prohibiting the knowing distribution of obscene images, or aided and abetted violations of California Penal section 311.2(a) in violation of California Penal Code section 31 by the acts and practices set forth herein.

c. Each of the above-named Defendants has violated California Penal Code section 311.2(b) prohibiting the knowing distribution for commercial gain of obscene images depicting persons under the age of 18 years engaged in sexual conduct, or aided and abetted violations of California Penal section 311.2(b) in violation of California Penal Code section 31 by the acts and practices set forth herein.

d. Each of the above-named Defendants has violated California Penal Code section 311.2(c) prohibiting the knowing distribution to adults of images depicting persons under the age of 18 years engaged in sexual conduct, or aided and abetted violations of California Penal section 311.2(c) in violation of California Penal Code section 31 by the acts and practices set forth herein.

e. Each of the above-named Defendants has violated 18 U.S.C. § 1465 prohibiting the knowing production of any obscene images with the intent to distribute by interactive computer service, or aided and abetted violations of 18 U.S.C. § 1465 in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

f. Each of the above-named Defendants has violated 18 U.S.C. § 1466 prohibiting engaging in the business of distributing, or knowingly producing with intent to distribute, any obscene images by interactive computer service, or aided and abetted violations of 18 U.S.C. § 1466 in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

22

g. Each of the above-named Defendants has violated 18 U.S.C. § 1466A(a)(1) prohibiting the knowing distribution of, or production with intent to distribute, obscene depictions of minors engaging in sexually explicit conduct that were produced by computer, or aided and abetted violations of 18 U.S.C. § 1466A(a)(1) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

h. Each of the above-named Defendants has violated 18 U.S.C. § 1466A(b)(1) prohibiting the knowing possession of obscene depictions of minors engaging in sexually explicit conduct that were produced by computer, or aided and abetted violations of 18 U.S.C. § 1466A(b)(1) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

i. Each of the above-named Defendants has violated 18 U.S.C. § 2252A(a)(1) prohibiting the knowing distribution of any child pornography by computer, or aided and abetted violations of 18 U.S.C. § 2252A(a)(1) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

j. Each of the above-named Defendants has violated 18 U.S.C. § 2252A(a)(2) prohibiting the knowing receipt or distribution of any child pornography or materials containing child pornography by computer, or aided and abetted violations of 18 U.S.C. § 2252A(a)(2) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

k. Each of the above-named Defendants has violated 18 U.S.C. § 2252A(a)(4)(B) prohibiting the knowing sale of any child pornography by computer, or aided and abetted violations of 18 U.S.C. § 2252A(a)(4)(B) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

l. Each of the above-named Defendants has violated 18 U.S.C. § 2252A(5)(B) prohibiting the knowing possession of child pornography that was produced or distributed by computer, or aided and abetted violations of 18 U.S.C. § 2252A(5)(B) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth herein.

m. Each of the above-named Defendants has violated 18 U.S.C. § 2252A(a)(7) prohibiting the knowing production or distribution of any adapted or modified images of child pornography of identifiable minors by computer, or aided and abetted violations of 18

23

1 U.S.C. § 2252A(a)(7) in violation of 18 U.S.C. § 2(a) by the acts and practices set forth

2 herein.

3   152.   Defendants Briver LLC, Itai Tech Ltd., Augustin Gribinets, Doe #1, Doe #2, Doe #3,

4 and Doe #4 are engaged in and continue to engage in unfair business acts and practices in violation of

5 section 17200. Each of the above-named Defendants' acts and practices of creating nudified images

6 of children constitute unfair business practices because they offend established public policy, the harm

7 they cause to consumers greatly outweighs any benefits associated with those practices, and they are

8 immoral, unethical, oppressive, unscrupulous and/or substantially injurious to consumers.

9   **PRAYER FOR RELIEF**

10   The People respectfully request that the Court enter judgment in favor of the People and

11 against Defendants, jointly and severally, and grant the following relief:

12   1.   Enjoin all Defendants, their successors, agents, representatives, employees, and any and

13 all other persons who act in concert or participation with Defendants by preliminarily and permanently

14 restraining them from performing or proposing to perform any acts in violation of California Business

15 and Professions Code section 17200 as set forth above, including but not limited to ceasing operation

16 of all websites they own or operate that are capable of creating AI-generated NCII of identifiable

17 individuals.

18   2.   Order that any domain-name registrars, domain-name registries, webhosts, payment

19 processors, or companies providing user authentication and authorization services or interfaces who

20 are provided with notice of the injunction, shall take all actions necessary to restrain Defendants from

21 performing or proposing to perform any unlawful or unfair business practices in violation of California

22 Business and Professions Code section 17200, including but not limited to ceasing to facilitate access

23 to any websites owned or operated by Defendants that are capable of creating AI-generated NCII of

24 identifiable individuals.

25   3.   Order each Defendant to pay a civil penalty of $2,500 for each violation of California

26 Business and Professions Code section 17200.

27   4.   Order Defendants to pay the costs of suit; and

28

24

5. Provide such further and additional relief as the Court deems just, proper, and equitable.

Dated: August 16, 2024

DAVID CHIU
City Attorney
YVONNE R. MERÉ
Chief Deputy City Attorney
SARA J. EISENBERG
Chief of Complex and Affirmative Litigation
RONALD H. LEE
Assistant Chief of Complex and Affirmative Litigation
KARUN A. TILAK
MIGUEL A. GRADILLA
DAVID S. LOUK
Deputy City Attorneys

By: _____
KARUN A. TILAK

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA, acting by
and through San Francisco City Attorney DAVID CHIU

First Amended Complaint; Case No. CGC-24-617237   n:\cxlit\li2024\240870\01780061.docx