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F I L E D	FEDERAL COURT COUR FÉDÉRALE
	February 26, 2025 26 février 2025
	Rudi Hwang
TOR	1

**Court File No**

**FEDERAL COURT  
SIMPLIFIED PROCEDURE**

BETWEEN:

**SCOTT NORSWORTHY**

Plaintiff

-and-

**2477327 ONTARIO INC. c.o.b. as TILTCO ARCHITECTURAL PRODUCTS**

Defendant

**STATEMENT OF CLAIM**

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the [Federal Courts Rules](#), serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the Federal Courts Rules.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

February 26, 2025

Issued by:

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*(Registry Officer)*

Address of local office:

180 Queen St W, suite 200  
Toronto, Ontario  
M5V 1Z4

TO:

2477327 Ontario Inc.  
60 Industrial Road,  
Bradford, Ontario  
L3Z3G7

## CLAIM

1. The Plaintiff claims the following relief:
  - (a) at his election made at any time before final judgment is rendered in this proceeding: (i) damages for copyright infringement under section 35 (1) of the *Copyright Act R.S.C. C-42*, including the profits that the Defendant has made from the infringement, or (ii) statutory damages under section 38.1(1) of the *Copyright Act R.S.C. C-42*, in the amount of \$5,000 per infringement, totaling \$360,000;
  - (b) punitive damages of \$30,000;
  - (c) a permanent injunction restraining the Defendant from any further use, reproduction, or distribution of the Plaintiff's photographs;
  - (d) prejudgment and post judgment interest in accordance with the *Federal Court Act*;
  - (e) his costs of this proceeding on a solicitor-client basis; and
  - (f) such further relief as this Honourable Court may deem just.

### The Parties

2. The Plaintiff, Scott Norsworthy ("Mr. Norsworthy"), is a very successful and well-regarded professional architectural photographer based in Toronto, Canada. His architectural photography work involves collaborating with architects and designers to document built spaces as they exist and to contextualize a project and render it in ways that reinforce the values informing its design. He has photographed architectural projects for many first tier Canadian architectural firms. His architectural photographs have been published widely in architectural magazines such as *Azure*, *Canadian*

Architect, Designlines, Wallpaper, Interior Design Magazine, The Plan, Domus, and Architectural Record. He is also a trained architect and holds a B.S. Arch degree from McGill University.

3. The Defendant, 2477327 Ontario Inc. c.o.b as Tiltco Architectural Products (“Tiltco”), is a company that has carried on business in Ontario and elsewhere for over 30 years designing, manufacturing, selling and installing what it calls prestigious architectural window, door and facade solutions. It claims that its superior designs, polished performance and impeccable service, create luxury glazing solutions worthy of the finest residential, commercial and coastal properties throughout North America and the Caribbean.

4. Tiltco owns or controls the web address <https://tiltco.com/> (the “Tiltco Website”) as well as a page on the Facebook website which it uses to market its products and services.

**Mr. Norsworthy created and is the copyright owner of 72 photographs**

5. Mr. Norsworthy created 72 photographic image works (the “Copyrighted Images”), including the 69 photographic image works listed on Schedule “A” hereto. The Copyrighted Images are of 5 architectural projects to which Tiltco sold its products and show windows and doors designed, manufactured and installed by Tiltco.

6. Under the *Copyright Act R.S.C. 1985 C-42* (the “Act”), Mr. Norsworthy: (i) is the author of each of the Copyrighted Images, (ii) holds the copyright in each of the Copyrighted Images and; (iii) has the sole right to, *inter alia*, produce, reproduce, publish and communicate to the public each of the Copyrighted Images.

7. Mr. Norsworthy discovered, on or about December 3, 2024, that Tiltco had without his authorization or consent, posted each of the Copyrighted Images on the Tiltco Website for the commercial purpose of marketing and displaying its products and services to the public including prospective customers. When Mr. Norsworthy advised Tiltco of its infringing conduct, Tiltco immediately removed the Copyrighted Images from the Tiltco Website. Mr. Norsworthy subsequently discovered that Tiltco had without his authorization or consent, posted 4 of the Copyrighted Images on the Tiltco Facebook page for the commercial purpose of marketing and displaying its products and services to the public including prospective customers.

### **Tiltco infringes Mr. Norsworthy’s copyright in the Copyrighted Images**

8. Tiltco’s acts described in the previous paragraph constitute copyright infringement under section 27 of the Act, rendering it liable to Mr. Norsworthy for damages under sections 35 (1) and 38.1 of the Act. Mr. Norsworthy is entitled to elect, at any time before judgment is rendered in this proceeding, to recover damages under either section 35 (1) of the Act or statutory damages under section 38.1 of the Act.

## **Damages for Infringement**

9. If Mr. Norsworthy elects to recovery damages under section 35 (1) of the Act, he seeks damages including any profits that Tiltco has made from the infringement and that were not taken into account in calculating the damages as the court considers just.

10. If Mr. Norsworthy elects to recovery statutory damages, he seeks damages of \$5,000 per infringement, totaling \$360,000.00 for the 72 Copyrighted Images infringed.

11. In considering the quantum of statutory damages, the Court ought to consider the following factors:

- (a) Tiltco acted in bad faith by knowingly and deliberately infringing the copyright in the Copyrighted Images. Tiltco has been in business 30 years and knows that using copyrighted images without the consent of the copyright holder is infringement but proceeded to do it anyways in order to avoid having to pay a licensing fee and in the hope that Mr. Norsworthy would not discover the infringement;
- (b) Tiltco has, in the past, used copyrighted images without the consent of the copyright holder and has after the fact paid a licensing fee when copyright infringement proceedings were threatened. This pattern of conduct illustrates the deliberate and calculated nature of the infringement, constitutes bad faith conduct, and ought to be deterred by a significant award of statutory damages;
- (c) Tiltco, in bad faith, ignored and put off Mr. Norsworthy's claims, forcing him to retain legal counsel to pursue the claims. Tiltco's intentions were to make pursuing a claim expensive and difficult for Mr. Norsworthy in the hope that he would not pursue his claims; and


(d) Such other factors as Mr. Norsworthy may advise prior to trial.

### **Punitive Damages**

12. Tiltco's conduct of: (i) knowingly and deliberately infringing the copyright in the Copyrighted Images, (ii) having previously knowingly and deliberately infringed the copyright of other photographers, (iii) attempting to conceal its infringement by removing the infringing images from its website after Mr. Norsworthy's demand, and (iv) ignoring Mr. Norsworthy's emails and demands regarding its infringement, constitutes malicious, oppressive and high handed misconduct that represents a marked departure from ordinary standards of decent behavior, thereby by rendering Tiltco liable to an award of punitive damages.

13. The Plaintiff proposes that this action be heard in Toronto, Ontario under the Simplified Procedure.

**February 26, 2025**



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**SHILLERS LLP**


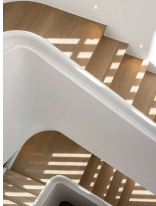

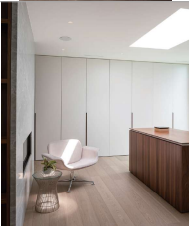

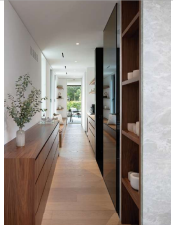

Barristers & Solicitors  
197 Spadina Avenue, Suite 402  
Toronto, Ontario M5T 2C8








David Shiller (30506Q)  
Tel : (416) 363-1112



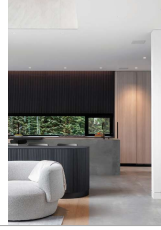




Email: david@shillers.com








Lawyers for the plaintiff



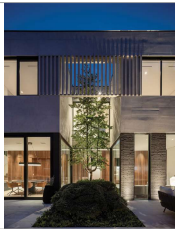


Schedule "A"








	Project	Filename	Image
1	Cleaver	21092-169.jpg	
2	Cleaver	21092-178.jpg	
3	Cleaver	21092-211.jpg	
4	Cleaver	21092-233.jpg	
5	Cleaver	21092-246.jpg	
6	Cleaver	21092-287.jpg	
7	Cleaver	21092-309.jpg	







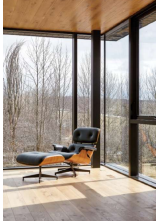
	Project	Filename	Image
8	Cleaver	21092-313.jpg	
9	Cleaver	21092-316.jpg	
10	Cleaver	21092-331.jpg	
11	Cleaver	21092-340.jpg	
12	Cleaver	21092-352.jpg	
13	Cleaver	21092-359.jpg	
14	Cleaver	21092-367.jpg	




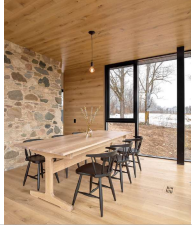



	Project	Filename	Image
15	Cleaver	21092-369.jpg	
16	Cleaver	21092-388.jpg	
17	Cleaver	21092-393.jpg	
18	Cleaver	21092-438.jpg	
19	Cleaver	21092-442.jpg	
20	Cleaver	21092-447.jpg	
21	Cleaver	21092-453.jpg	






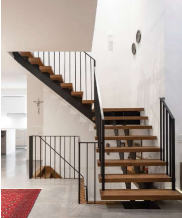

	Project	Filename	Image
22	Cleaver	21092-466.jpg	
23	Cleaver	21092-472.jpg	
24	Cleaver	21092-476.jpg	
25	Cleaver	21092-515.jpg	
26	Cleaver	21092-525.jpg	
27	Cleaver	21092-527.jpg	
28	Cleaver	21092-540.jpg	






	Project	Filename	Image
29	Cleaver	21092-542.jpg	
30	Cleaver	21092-545.jpg	
31	Cleaver	21092-547.jpg	
32	Cleaver	21092-554.jpg	
33	Cleaver	21092-555.jpg	
34	Cleaver	21092-563.jpg	
35	Cleaver	21092-577.jpg	

	Project	Filename	Image
36	Cleaver	21092-597.jpg	
37	Cleaver	21092-600.jpg	
38	Cleaver	21092-625.jpg	
39	Cleaver	21092-628.jpg	
40	Cleaver	21092-631.jpg	
41	Cleaver	21092-695.jpg	
42	Cleaver	21092-713.jpg	

	Project	Filename	Image
43	Cleaver	21092-760.jpg	
44	Cleaver	21092-768.jpg	
45	Cleaver	21092_0007.jpg	
46	Cleaver	21092_00044.jpg	
47	Schoolhouse	20032_200313_101.jpg	
48	Schoolhouse	20032_200313_107.jpg	
49	Schoolhouse	20032_200313_143.jpg	

	Project	Filename	Image
50	Schoolhouse	20032_200313_208.jpg	
51	Schoolhouse	20032_200313_213_comp.jpg	
52	Schoolhouse	20032_200313_242.jpg	
53	Schoolhouse	20032_200313_259.jpg	
54	Schoolhouse	20032_200313_275_comp.jpg	
55	Schoolhouse	20032_200313_281.jpg	
56	Schoolhouse	20032_200313_361.jpg	

	Project	Filename	Image
57	Tottenham	DSCF0602.jpg	
58	Tottenham	DSCF0603.jpg	
59	Tottenham	DSCF0614.jpg	
60	Tottenham	DSCF0631.jpg	
61	Tottenham	DSCF0632.jpg	
62	Tottenham	DSCF0633.jpg	
63	Tottenham	DSCF0638.jpg	

	Project	Filename	Image
64	Tottenham	DSCF0667_drapes.jpg	
65	Tottenham	DSCF0675_drapes.jpg	
66	Lake Joseph Boathouse	22075-056.jpg	
67	Lake Joseph Boathouse	22075-118.jpg	
68	Cranberry Lane	23034-078.jpg	
69	Cranberry Lane	23034-052.jpg	