



Pirates Cove Aquapark - MSC Seascope (delivered: 11/16/22) and MSC Seashore (delivered July 26, 2021)
According to a case study published by WhiteWater, the company that designed and built the waterpark, the project was originally planned as an intergalactic adventure-themed attraction. It was MSC Cruises' Executive Chairman, Pierfrancesco Vago, who directed the team to redesign the concept around a pirate ship and a giant Kraken. The case study credits Vago as the creative driver of the resulting design and describes the attraction as transporting guests into another world — 'making them the main characters in an exciting pirate story.' The case study makes no mention of Plaintiffs, Shipsomnia, or the NDA-protected materials disclosed to Defendant Vago.

“ CASE STUDY: THE VISION FOR THE WATER PARK [LINK 1](#) , [LINK 2](#)

Leading the design of the water park was Anthony Marinakis, Creative Director at WhiteWater, who collaborated closely with MSC Cruises' team to create something truly unique. Initially planned as an intergalactic adventure-themed water park, it was MSC Cruises' Executive Chairman, Pierfrancesco Vago, who pushed the team to dream bigger. As the MSC Seascope was being redesigned to provide guests with a strong connection to the sea, Mr. Vago believed that the water park's theming should also reflect this nautical premise. He recommended incorporating a pirate ship and the imagery of a giant Kraken to better cater to the changing demographics of the cruise industry, which has seen a rise in families as opposed to retirees. The water park needed to evoke a sense of adventure in guests and transport them into another world, making them the main characters in an exciting pirate story.



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Plaintiffs' Shipsomnia production featured giant Kraken tentacles emerging from a ship's deck as early as June 2017 — years before MSC's Pirates Cove Aquapark was developed — photographs and video footage of which were disclosed to Defendant Vago and MSC executives. Though executed as permanent hard structures compared to Plaintiffs' air-blown fabric production, the Pirates Cove tentacles reflect the same color, sculptural form, and design concept — including the identical visual mechanic of tentacles emerging from the ship's deck, wrapping around overhead structures, and surrounding a water feature in the same spatial relationship and scale. Plaintiffs' presentation described Shipsomnia as 'an immersive story-driven experience where the fans truly become part of the story' — directly mirroring MSC's own description of Pirates Cove as 'making them the main characters in an exciting pirate story' — the same guest-participation mechanic Plaintiffs disclosed to Defendant Vago and MSC executives.

“An immersive story-driven experience where the fans truly become part of the story.”



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ARGs are built in a way that allows players to feel like they have a key role in creating the fiction and meaningfully affect how the story progresses.