



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0229
June 18, 2025

Beni Rachmanov

CLAIMANT

v.

Aaron Samekhov

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **July 18, 2025**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Authorship

A copyright infringement claim before the Board must name the author(s) of the allegedly infringed work. Your claim includes contradictory information identifying the author(s).

You allege infringement of “a spiritual and liturgical work titled “Tefilat Haim.”” In the “Works infringed” section of your claim, you describe the work as a literary work registered by the Copyright Office with Registration No. TX0007411939, and you name two authors of the work: Daniel Remer (Remer) and yourself, Beni Rachmanov. In the “Description of harm suffered and relief sought” section of the claim, you describe yourself as “the original author” of the work. However, other information in the claim and in Copyright Office records indicates that you are not an author of the work.

The registration certificate states that the work was first published in 2003, names the author as “Daniel M Remer, dba Remervision.com,” and says the author created “text, photograph(s), [and] editing.” It lists you as the copyright claimant (owner) “by written agreement.” A document filed with the claim appears to be a copy of a 2009 agreement to transfer the copyright in the work from Remer to you. That document appears to make you the legal owner of the copyright, but it does not make you an author of the work. That agreement and the Copyright

Office records indicate that Remer is an author of material in the work, but they do not indicate that you authored anything that appears in the registered work. The claim also includes a copy of a 2011 letter in which Remer described a version of the work published in 2004 as “my original work” and indicated that new editions of the work contain “additions to the original version printed in 2004.” It is not apparent from the claim that you are an author of material that appeared in the 2003 or 2004 published version of the work that the registration covers.

To address this issue an amended claim, you must clarify whether you are an author of material in the registered work. If you are not, you must remove your name from the listing of “Author(s)” in the “Works infringed” section. If you are an author, your amended claim must include facts or documents that indicate what material you authored in the work.

Access

Your claim does not provide facts that indicate how the respondent had access to your work before the alleged infringement. “Access” means a reasonable opportunity to see or copy your work before the alleged infringement took place. You assert generally that your work “has been used in religious services, community outreach, and fundraising initiatives,” but you do not present enough information describing those uses of your work to indicate where or how it was available for the respondent to access. Your statements in the claim form do not present specific information about anywhere that your work has been published or distributed to indicate how it is reasonably likely that the respondent had access to your work in the first place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was reasonably available to the respondent; or (c) is so strikingly similar to the allegedly infringing work that the respondent could not have created its work independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the respondent’s allegedly infringing work. If it is not readily apparent from supplemental documents submitted with the claim, you must provide some specific allegations about how the allegedly infringing work is substantially similar to original elements of expressive material in your work that copyright protects.

You allege that the respondent “is currently marketing, publishing, and promoting a work that appears to be a derivative of my original “Tefilat Haim,” and that “[t]his derivative work contains substantial similarities to my own creation, including but not limited to: . . . Thematic structure and content[.] Original formulations of tefillot and

meditations[; and] Distinct title that misleads the public by evoking and building on my original branding.” Bare assertions of substantial similarity do not provide the Board enough information to evaluate your claim. You have not shown or described how any particular content within your copyright is substantially similar to any content in the respondent’s work.

To state a claim of copyright infringement, there must be substantial similarities between the works in material that copyright protects. The TX0007411939 registration covers only the authorship in “text, photograph(s), and editing” that Remer contributed to the work as originally published, not materials authored by others. Copyright also does not protect words or short phrases such as names and titles. Information about copyrightable authorship is available in Sections 302, 308, and 313 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*, and in [Circular 33: Works Not Protected by Copyright](#). Your claim does not clearly describe or show any specific copyrightable material in your work that also appears in the respondent’s work.

You further state that “Documentation and copies of the original “Tefilat Haim” are available upon request for comparative evaluation.” Your claim does not clearly present copies of your work and the respondent’s work to allow such evaluation. The 2009 agreement filed with the claim indicates that the work includes both a siddur and a sefer, and the claim includes documents labeled “SIDDUR TC.PDF” and “SEFER (1).PDF,” but those labels do not make clear if the documents are from your work or from the respondent’s allegedly infringing work.

As a result, the claim does not provide enough information to enable the Board to understand the similarity of the works. If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which of elements of your work that the copyright protects were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show their similarities. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take

you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.

5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Board