



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0239

September 23, 2024

Igor Shtylenko

CLAIMANT

v.

Aman Qureshi

RESPONDENT

FINDING OF BAD FAITH AND ORDER DISMISSING CLAIM

On August 15, 2024, Igor Shtylenko (Claimant) filed this claim before the Copyright Claims Board (Board). The claim provided a clearly invalid mailing address for the respondent that falsely stated that the respondent resided in Delaware, even though other information clearly indicated that the respondent is in India, and even though claims before the Board against respondents that do not reside in the United States are prohibited.

On August 20, 2024, the Board ordered Claimant to show cause why filing the claim in this form did not constitute bad-faith conduct under 37 C.F.R. § 232.3. The Order to Show Cause further ordered Claimant to file a response to that order by September 3, 2024. No response was filed.

On September 16, 2024, the Board ordered Claimant to appear at a conference to explain the conduct described in the Order to Show Cause, and sent him, at the email address he provided in the claim, a link to the virtual conference, which was scheduled for September 23, 2024 at 10:00 AM ET. 37 C.F.R. § 232.3(c). The presiding Copyright Claims Officer waited 15 minutes after the scheduled time for the conference to begin but Claimant did not appear. He did not notify the Board that he would not be attending or explain his absence thereafter. The Officer recorded a statement on the record and then concluded the conference.

The fact that Claimant submitted a claim with an obviously inaccurate domestic address for a foreign respondent, despite the knowledge that claims against foreign entities are prohibited, has not been refuted. Claims “asserted against a person or entity residing outside the United States” are categorically “not subject to determination by the Copyright Claims Board.” 17 U.S.C. § 1504(d)(4). The eCCB online filing system specifically informs filers of this prohibition, and eCCB requires a United States address for respondents, including a United States state or district and zip code. When this claim was submitted through eCCB, a notice in the “Respondent” section of the claim form warned the filer that claims cannot be filed against respondents residing outside of the United States, and specified: “Anyone who evades this requirement will have their claim found noncompliant, lose their \$40 filing fee, and may be limited in the ability to file future claims.” Before submitting the claim, Claimant also certified under penalty of perjury that the information provided in the claim was accurate and truthful to the best of his knowledge. See 37 C.F.R. § 222.2(c)(12).

Nevertheless, the claim stated that the respondent’s street address is “202, MAHIGRAN NEAR ANAS MASJID, Unnamed Road, ROORKEE, DE 24766.” The street address provided does not resemble a United

States address, and Roorkee is a city in India. The address also included facially invalid information. Claimant selected the state code “DE,” for Delaware, from the drop-down menu in the claim form, and entered 24766, which is not a valid United States zip code. Entering a Delaware state code and invalid zip code for the respondent means that the filer must have ignored the warnings on eCCB and entered those address details to avoid the technological barriers to entering a foreign address.

Therefore, the Board finds that the actions of Igor Shtylenko in this proceeding constitute bad-faith conduct, as defined in the Board’s regulations: “Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact. Such conduct includes any actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board, including before a proceeding becomes an active proceeding.” 37 C.F.R. § 220.1(c). Under this standard, the Board has no difficulty in finding that Claimant did not have a reasonable basis in law or in fact to file a claim before the Board against a respondent residing outside the United States despite the clear warnings and technological barriers to deter such a filing.

In addition, on August 20, 2024, the Board issued an Order to Amend Noncompliant Claim notifying Claimant that the claim did not comply with the requirements of the CASE Act and related regulations and would be dismissed unless an amended claim was filed by September 19, 2024. 37 C.F.R. § 224.1(c)(2).

No amended claim was filed in the time allowed. Accordingly, the Board dismisses the claim without prejudice and closes case 24-CCB-0239. 37 C.F.R. § 222.17(a)–(b).

Copyright Claims Board