



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0162

October 18, 2023

Timur Sajachmetov

CLAIMANT

v.

Surfaces, LLC; TENTHOUSAND PROJECTS, LLC

RESPONDENTS

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

Claimant Timur Sajachmetov initiated this proceeding against the respondent on May 9, 2023. On July 19, 2023, the Copyright Claims Board (Board) issued a noncompliance order that notified the claimant that the claim did not comply with the applicable statutory and regulatory requirements for filings before the Board. 37 C.F.R. § 224.1(C)(2). Claimant submitted an amended claim on August 1, 2023. The Board again found it noncompliant and issued a second noncompliance order on September 13, 2023 (September 13 Order).

On October 5, 2023, claimant submitted a second amended claim, which was their final opportunity to submit a compliant claim. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

A Copyright Claims Attorney reviewed the second amended claim and concluded that the claim remains noncompliant. The claimant alleges that the respondents unlawfully used his sound recording, “Bossa Nova Guitar” in Surfaces’ “Good Day.” The claimant, however, uploaded his work onto looperman.com, which makes sound recordings available to the public by nonexclusive license for both “commercial and non-commercial projects.” Claimant has conceded that the respondents accessed and downloaded claimant’s work from Looperman to use in “Good Day,” and was thus subject to a license from Looperman. The September 13 Order required the claimant to specify how the respondents used the work beyond the scope of the license or failed to satisfy a condition precedent. In the second amended claim, the claimant points to a disclaimer alerting users that Looperman does not guarantee works were lawfully put on their website. The Board has already notified claimant in its September 13 Order that the disclaimer was not a condition precedent.

The Copyright Claims Attorney referred the claim to a Copyright Claims Officer to confirm that it does not comply with the applicable requirements and that this proceeding should, therefore, be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B). The Copyright Claims Officer reviewed the second amended claim and concurs with the finding of noncompliance.

Accordingly, the Board dismisses this proceeding without prejudice and closes this case. Dismissal without prejudice means that claimant may raise the allegations again by filing a new claim.