Electronically Filed
Docket: 24-CCB-0214
Document: 55
Filing Date: 06/15/2026 08:00:32 PM EDT

BEFORE THE COPYRIGHT CLAIMS BOARD
UNITED STATES COPYRIGHT OFFICE

Saad Hashmami,
Claimant,

v.

Shahid Anwar, LLC,
Respondent.

CCB Proceeding No. 24-CCB-0214

CLAIMANT'S REPLY TO RESPONDENT'S PARTY STATEMENT

Claimant Saad Hashmani respectfully submits this Reply to Respondent's Party Statement.

I. INTRODUCTION

Respondent's Party Statement does not resolve the principal factual issues that emerged during discovery. Instead, Respondent's recent submissions largely confirm the admissions and inconsistencies identified by Claimant concerning copyright ownership, authority to submit the takedown notices, missing records, and the absence of contemporaneous evidence supporting Respondent's alleged fair-use analysis.

The central issue is not whether Respondent can now articulate reasons why Claimant's videos allegedly infringed copyright. The issue is whether Respondent actually formed the good-faith belief necessary before submitting the challenged DMCA takedown notices.

The record permits substantial doubt on that point. Respondent admits there are no contemporaneous notes, memoranda, emails, analyses, or other documents reflecting any fair-use review. At the same time, Claimant has submitted evidence showing that before Respondent's takedown campaign was even initiated, Mr. Anwar announced that he had targeted Claimant with three copyright strikes for merely saying or writing his name. (See Exhibit G, HASHMANI-

0035-0038). Those statements permit the Board to conclude that the desired outcome had already been pre-determined before the individualized fair-use review Respondent now describes.

II. RESPONDENT'S FAIR-USE THEORY IS SUPPORTED ONLY BY AFTER-THE-FACT TESTIMONY

Respondent repeatedly asserts that Mr. Anwar considered fair use before submitting the notices. However, Respondent admits:

- no written analysis existed;
- no notes existed;
- no memorandum existed;
- no legal consultation occurred;
- no outside resources were reviewed; and
- no contemporaneous documents reflect any fair-use evaluation.

The entirety of Respondent's claimed analysis therefore rests on testimony developed during litigation. Respondent now contends that Mr. Anwar watched the videos, relied upon his limited experience, and concluded that Claimant's videos were attempting to divert viewers and function as market substitutes. The Board may certainly consider that testimony. However, the Board is also entitled to consider the complete absence of contemporaneous evidence supporting the explanation now offered.

The lack of documentation does not automatically establish liability. It does, however, bear directly upon credibility and the weight that should be assigned to Respondent's present explanation.

III. RESPONDENT'S MARKET-SUBSTITUTION THEORY HIGHLIGHTS THE ABSENCE OF CONTEMPORANEOUS EVIDENCE

Respondent now contends that his good-faith belief was based primarily on a conclusion that Claimant's videos functioned as market substitutes. Because market substitution is a fact-intensive determination requiring evaluation of the content, purpose, and audience of the respective works, the absence of any contemporaneous evidence reflecting how Respondent reached that conclusion undermines the credibility of the explanation now offered.

Respondent's market-substitution theory is particularly difficult to reconcile with the evidence concerning the third video. The only record ultimately produced reflects that the allegedly infringing use consisted of approximately seven seconds of content. Respondent nevertheless asks the Board to conclude that such use functions as a market substitute capable of diverting Respondent's audience and customers. Yet Respondent identifies no contemporaneous analysis explaining how that conclusion was reached and produced no notes, comparisons, or evaluations supporting that determination.

Respondent now asks the Board to accept that he performed this analysis and reached the correct conclusion. Yet there is no contemporaneous evidence showing:

- what portions of Claimant's videos were reviewed;
- what similarities were identified;
- what transformative content was considered;
- what commentary or criticism was evaluated; or
- how Respondent concluded that each video would function as a market substitute.

The Board is therefore asked to accept a highly fact-intensive conclusion based solely upon testimony provided after litigation began concerning a seven (7) second segment of his video. That circumstance is particularly significant because Respondent relies upon market substitution as the basis for his claimed good-faith belief.

IV. RESPONDENT'S OWN COMMUNICATIONS SUGGEST THAT THE THREE STRIKES WERE PREORDAINED

Respondent's defense depends upon the proposition that each takedown notice resulted from an individualized review and a good-faith determination that the challenged uses were not protected by fair use. Claimant's evidence permits if not compels a different inference. Claimant submitted certified translations of communications attributed to Shahid Anwar in which Mr. Anwar stated:

"You take my name on YouTube or write it on it you will get 3rd strike . . . ."

In another communication, Mr. Anwar stated:

"Your whole career is YouTube which I will destroy in 3 shots. I don't talk I just do."

(See Exhibit G, HASHMANI-0035-0038). These statements do not describe an intention to perform individualized copyright reviews. They describe an intention to weaponize the three strikes rule against Claimant and eliminate Claimant's YouTube channel which is exactly what subsequently occurred.

Claimant does not contend that criticism alone defeats a copyright claim. Nor does Claimant contend that a copyright owner cannot possess multiple motivations simultaneously. Rather, the issue is whether Respondent genuinely conducted the fact intensive fair-use review he now describes after making the three strikes threat but before submitting each takedown notice.

The Board may reasonably conclude that a person who has already announced that he has targeted another creator with three successive strikes to takedown his YouTube channel has predetermined the outcome before any meaningful fair-use analysis occurred.

The certified communications, considered together with the absence of contemporaneous fair-use evidence, permit the Board to conclude that the market-substitution rationale now offered was developed after the fact to justify decisions already made.

V. RESPONDENT'S DISCOVERY RESPONSES EVOLVED REPEATEDLY THROUGHOUT THIS PROCEEDING

Claimant does not rely upon any single inconsistency in isolation. Rather, the Board should consider the cumulative pattern reflected throughout the record. Among other things:

- Respondent initially represented that he could not locate the third takedown notice;
- Respondent later produced only a copy or summary relating to the third notice rather than the complete contemporaneous submission records;
- Respondent's explanations concerning ownership evolved during discovery;
- Respondent's explanations concerning source files evolved during discovery; and
- Respondent's explanations concerning fair-use review became progressively more detailed over time.

The significance of the third takedown notice extends beyond the notice itself. The original submission records could have identified the submitting account, associated email address, ownership designation, agency status, and other metadata directly relevant to the authority and capacity issues that emerged during discovery. Those relevant records remain unavailable.

Accordingly, the Board is repeatedly asked to rely upon Respondent's present recollection rather than contemporaneous evidence.

VI. RESPONDENT'S CAUSATION ARGUMENT IS UNPERSUASIVE

Respondent argues that Claimant could have pursued additional remedies through YouTube or submitted additional counter-notifications. That argument overlooks the fundamental fact that Claimant's channel received copyright strikes because Respondent submitted the repeated challenged notices. Without those notices, the resulting strikes and channel consequences would not have occurred. The existence of subsequent actions by YouTube does not eliminate the causal role played by Respondent's takedown notices.

VII. RESPONDENT'S FILINGS CONFIRM THAT SHAHID ANWAR PERSONALLY OWNED THE COPYRIGHTS

Respondent now expressly states that Shahid Anwar personally owns the copyrights at issue. Respondent's Party Statement states that Mr. Anwar "is the copyright owner of the videos." Yet, the Youtube channel operated by shahidanwarllc.com with 1.27 million subscribers used the videos and operated the social-media accounts associated with Mr. Anwar without any evidence of assignment, or license or other documents allowing it to do so.



See Exhibit M - HASHMANI-0015.

VIII. CONCLUSION

Respondent's filings confirm many of the facts developed during discovery, including that Respondent lacks any contemporaneous documentation supporting the fair-use analysis now described in detail. Most importantly, Claimant has submitted evidence showing that Respondent announced in advance that Claimant would receive three copyright strikes and that Respondent intended to destroy Claimant's YouTube channel. Those statements permit the Board to conclude that the outcome was predetermined before the individualized fair-use review Respondent now claims to have conducted.

The Board is not required to accept Respondent's after-the-fact testimony where contemporaneous evidence suggests that Respondent had already decided that Claimant would receive three strikes in rapid succession regardless of any individualized review.

For these reasons, Claimant respectfully requests that the Board reject Respondent's defenses and enter judgment in Claimant's favor.

Dated this 15th day of June, 2026.

Respectfully submitted,

/s/ Kenneth N. Caldwell
Caldwell Law Firm, P.C.
2001 Timberloch Place, Suite 500
The Woodlands, Texas 77380
(888) 886-4108
kcaldwell@caldwell-law-firm.com
Counsel for Claimant Saad Hashmami

Proof of Delivery

I hereby certify that on Monday, June 15, 2026, I provided a true and correct copy of the Claimant's Reply to Respondent's Party Statement to the following:

Shahid Anwar, LLC., represented by Natalia Micheli, served via ESERVICE at natnmiche@gmail.com

Signed: /s/ Kenneth N Caldwell