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WITNESS STATEMENT OF NICO TRINKHAUS

Nico Trinkhaus v. Partners for the Arts Abroad LLC

Copyright Claims Board, Docket No. 25-CCB-0527

I, Nico Trinkhaus, state as follows:

About me

1. I am the Claimant in this proceeding. I am a professional photographer and live in Portugal. I make this statement from my own knowledge.

2. I photograph cities, landmarks and landscapes, mainly in Europe. My work has received the awards listed in Exhibit 16, and I hold the Qualified European Photographer (Fine Art) qualification (Exhibit 15).

3. I earn my living from licensing my photographs to businesses and from selling fine art prints. Licensing is handled by Sumfinidade Unipessoal LDA, the company through which I run my business.

How I made the Photograph

4. I took the photograph "The National Palace of Culture in Sofia" (the "Photograph", Exhibit 1) in Sofia, Bulgaria, on October 13, 2018. The file's camera data records the time as 7:25 p.m., the camera as a Nikon D850 with a 24-70 mm lens, and the settings as a six-second exposure at f/8 and ISO 100.

5. I chose to take the photograph after sunset, when the building's facade and the fountains in front of it are lit and the sky has darkened. I had seen the building during the day and returned for the evening light.

6. I positioned the camera low, at the end of the fountain channel, on the central axis of the building, so that the channel and the jets of water lead the eye to the entrance and the building sits symmetrically in the frame.

7. I chose a six-second exposure so that the moving water would appear as smooth, continuous streams rather than individual drops, and f/8 so that both the fountains in the foreground and the building in the background are sharp.

8. I processed the raw file myself. Exhibit 2 shows the unprocessed raw image and the finished Photograph side by side.

9. The Photograph that Respondent posted is my finished image, Exhibit 1, with Respondent's text and logo added on top.

Registration and ownership

10. The Photograph is registered with the U.S. Copyright Office as part of group registration VA 2-137-965, effective December 31, 2018, which lists it among the photographs published in October 2018 (Exhibit 3). I am its sole author and I own the copyright. On June 30, 2020 I granted the exclusive commercial licensing rights to Sumvest Ltd, which on the same day granted them onward to Sumfinidade Unipessoal LDA. Both agreements reserve to me the right to enforce the copyright (Exhibits 4 and 5).

How I found the use

11. My enforcement agent, PhotoClaim, searches the internet for copies of my photographs. On April 4, 2023 I confirmed to PhotoClaim that the use of the Photograph on the Sofia Symphonic Summit Facebook page was not licensed (Exhibit 6, case 1-11668). On April 22, 2023 the documentation service RightsPilot UG recorded the Facebook post, dated March 24, 2020, and the program's website page showing the Photograph (Exhibits 7 to 9).

No license

12. I have never licensed the Photograph to Respondent or to anyone else. I have never given Respondent, the National Palace of Culture, the Sofia Philharmonic Orchestra, Mr. Nayden Todorov, the Bulgarian Ministry of Culture or any stock photography website any right to use or license it, and I have never uploaded it to Pixabay, Adobe Stock or Shutterstock.

My license fees

13. I license my photographs on a published tariff, priced by medium, duration and industry exclusivity. The same tariff applies to all of my photographs, including this one.

14. My price list of April 2019 (Exhibit 12) set the fee for online use with industry exclusivity at €1,385 for up to 3 months, €1,465 for up to 6 months, €1,615 for up to 1 year, €2,330 for up to 3 years and €2,860 for up to 5 years, with the credit "Nico Trinkhaus / sumfinity.com" next to the photograph, and a surcharge of 100% for use without that credit.

15. My current published tariff (Exhibit 13) states the same fees the other way round: the price without credit is shown in full (for example €5,720 for up to 5 years), and a licensee who gives the credit pays half. The amounts have not changed since 2019.

16. In discovery I produced 68 license invoices issued between December 2020 and June 2026, with the clients' names redacted for confidentiality and the dates, countries, durations, industries and amounts left visible. Sixty-six are at exactly the tariff amount for the use licensed: fifty-two at the credited rate and fourteen at the doubled rate for use without credit. Seventeen invoices are five-year licenses at the credited rate of €2,860. The two others are a license of two photographs for which I agreed a reduced total (FT 2020/22) and a two-year license (FT 2025/2), a duration that is not on the tariff. Exhibit 14 contains

ten of these invoices: four five-year licenses at the credited rate of €2,860 (FT 2021/224, FT 2021/226, FT 2022/95 and FT 2023/122) and six licenses without credit at twice the tariff (FT 2020/17, FT 2021/133, FT 2024/2, FT 2024/126, FT 2025/88 and FT 2026/27). For example, invoice FT 2020/17 charges €1,465 for a six-month license plus €1,465 as a "Waiver for credit lines".

17. My April 2019 price list told licensees that I enforce my rights to protect their exclusivity: "To ensure your exclusivity, we rigorously pursue legal action against anyone who us[es] our works without permission" (Exhibit 12, § 10). If unlicensed users only ever paid the ordinary fee, and only when caught, there would be no reason for anyone to buy a license.

Demands to Respondent

18. On behalf of Sumfinidade, attorney Robert Fechner wrote to Respondent at info@sofiasymphonicsummit.com on September 14, 2023, October 5, 2023, October 31, 2023 and November 14, 2023, asking Respondent to stop the use and to pay damages, calculated at the tariff fee of €5,720, plus costs (Exhibit 11). No payment was made.

I certify that this testimony is accurate and truthful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 19, 2026 in Portugal.



Nico Trinkhaus

Proof of Delivery

I hereby certify that on Monday, October 19, 2026, I provided a true and correct copy of the Witness Statement of Nico Trinkhaus to the following:

PARTNERS FOR THE ARTS ABROAD LLC, represented by Michael Polo, served via ESERVICE at mjpolo30@gmail.com

Signed: /s/ Nico Trinkhaus