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## **Pryor Cashman Wins Trial for System of a Down Members Over Grammy-Award Winning Song**

Pryor Cashman Litigation Partners Don Zakarin and Ilene Farkas and associate Mona Simonian successfully defended songwriters and recording artists Daron Malakian and Serj Tankian, two members of the popular recording group *System of a Down*, over a co-authorship claim brought under the United States Copyright Act.

After a seven-day bench trial before Judge Sweet in the U.S. District Court for the Southern District of New York, Pryor Cashman obtained a complete victory for its clients in *Maxwood Music Limited v. Malakian et. Al*, 08 Civ. 1730 (RJS).

This case centered around the creation of *B.Y.O.B.*, a musical composition written by defendants Malakian and Tankian and released on *System of a Down's* 2005 album *Mezmerize*. The song went on to win a Grammy Award.

Plaintiff Maxwood Music Ltd. claimed that Casey “Chaos” Chmielinski co-authored this song with Malakian in 2002 or 2003, a claim that was categorically denied by both Malakian and Tankian. Maxwood acquired its claimed rights in *B.Y.O.B.* pursuant to an agreement it entered into with Chmielinski in June 2006, over one year after *Mezmerize* was released, after the song had won a Grammy Award and after *Mezmerize* had already sold, by Maxwood’s own calculations, over five million units worldwide.

In his detailed 56-page decision, Judge Sweet rejected the co-authorship claim of Chmielinski, finding that his testimony was “not credible” and that he had repeatedly changed his testimony and “fabricated” evidence of his claimed authorship. In contrast, Judge Sweet found that the testimony of authorship provided by Malakian and Tankian was credible and consistent with the weight of the evidence and that they were the sole authors of *B.Y.O.B.* As a result, Judge Sweet dismissed the ownership claims of Chmielinski’s putative publisher, Maxwood Music, Ltd., in their entirety.

To read a copy of Judge Sweet’s opinion, please [click here](#).