



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0276

February 28, 2023

Michelle Shocked

CLAIMANT

v.

Tunecore

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **March 30, 2023**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. [37 C.F.R. § 224.1\(c\)\(2\)](#). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit so please be as detailed as possible.

Legal and Beneficial Ownership

To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement [.]” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue, or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work.

Your claim provides conflicting facts about your status as a legal or beneficial owner of the allegedly infringed work. A Board search of Copyright Office records showed that you are not listed as an author on the two copyright registrations for “Anchorage” (“PA0000411583” and “SR0000100138”) identified in your claim. Copyright Office records identify PolyGram Records, Inc. as the claimed author and copyright owner, as an “employer for hire.” For legal purposes, the author of a “work made for hire” may not be the individual who actually created the work. In certain circumstances, the party that employed the individual is considered both the

author and the copyright owner of the work. More information about authorship and works made for hire is available in [Circular 30: Works Made for Hire](#).

A claimant asserting an infringement claim who is not an author or named copyright owner in the registration of the allegedly infringed work must support the claimant's appropriate ownership of the copyright. If it is not readily apparent from supplemental materials submitted with the claim, you must provide some specific allegations about how the claimant owns, or has an exclusive license to use, the exclusive rights at issue.

When amending your claim, you must provide some specific allegations about how you own the copyright in the registered work or that you own the exclusive rights at issue. You can do this either by adding facts to the "Describe the infringement" section explaining your ownership in exclusive rights in the work at the time of the infringement or by submitting supplemental documents. For example, you may describe your relationship with PolyGram Records, Inc. and detail how you obtained legal or beneficial ownership of the copyright. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Copyright Infringement Claim – Clarity

Your copyright infringement claim must provide enough information for the respondent to understand what its allegedly infringing acts were.

The "Describe the infringement" field of your claim form states that the respondent engaged in "[u]nlicensed synchronization of my composition and sound recording, "Anchorage," in a video work on YouTube, non-compliant compulsory mechanical license for a derivative work, "Anchored Down in Amsterdam," non-compliant compulsory mechanical license for audio streaming distribution." This appears to be a legal conclusion. When you submit an amended claim, you must include facts in the claim form that more fully explain how the respondent infringed your work. If you are alleging that Tunecore made or authorized an audiovisual use of "Anchorage", then your amended claim should state facts about that use. Similarly, if you are alleging that Tunecore made a derivative work or engaged in the unauthorized use of "Anchored Down in Amsterdam" you will need to state facts about that use. For example, you can describe how the respondent created digital copies of your work(s) and engaged in unlicensed online distribution or streaming activities or describe how Tunecore's allegedly infringing actions created a derivative work.

More information is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

To submit an amended claim, log into your eCCB account and take the following steps.

1. From your dashboard, click the "**Amend claim**" button and select your docket number from the dropdown list.

2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney