



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0106
April 11, 2025

Hakeem D Pugh

CLAIMANT

v.

Justin Brown, Jr

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **May 12, 2025**. 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.

Copyright Infringement — Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough facts about how the respondent had access to your work or how the respondent’s work is substantially similar to your work. Please provide more details and background regarding these elements in your amended claim.

Access

Your claim does not provide facts about how the respondent had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place. In your claim, you do not describe how the respondent had access to your work.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the respondent’s allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar.

Your claim states that your work is a “Song” Digitally Published on Feb 12, 2021.” However, you do not provide any information describing or showing your work. Additionally, your claim seems to describe infringement of a musical composition rather than a sound recording. In your claim, you state that the respondent “infringed on my copyright by creating and distributing the song "You Do You" on SoundCloud (Permalink: mj_soul), which copies protectable elements of my work, including [specify elements, e.g., melody, lyrics, or other features].” Melody and lyrics are elements protected by a copyright in the musical composition. However, a Board search of Copyright Office records shows that the scope of your registration covers a sound recording but does not extend to any musical work embodied in the sound recording. Infringement of the copyright in a sound recording requires duplication of the actual sounds that are included in the sound recording, but the claim does not suggest that any such duplication took place. Information about those two different kinds of copyright works is available in [What Musicians Should Know about Copyright](#).

There are no additional allegations in the “Describe the infringement” field of the claim that describe your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your work or the allegedly infringing work as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

If you submit an amended claim, it must include allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a

clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Copyright Infringement — Relief

It appears that you are seeking a larger damages award than the CCB can grant for this type of claim. In your claim, you state that “I request statutory damages of \$25,000 for the infringement of "Imma Let You Go.” The most respondents can be ordered to pay in damages (actual or statutory) in a CCB proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). However, the maximum amount of statutory damages available from the CCB is \$15,000 for each work that was infringed (or \$7,500 per work in instances where the copyright was registered both after the infringement started and not within three months of your work’s first publication). 17 U.S.C. §§ 1504(e)(1)(A)(ii)(I)-(II). Here, it appears that’s the maximum amount of statutory damages that the Board could award is 15,000.

Additionally, you included a request that “the CCB include in its determination a requirement that Brown cease distributing "You Do You" and any other releases that infringe on "Imma Let You Go" on all platforms, including SoundCloud, YouTube, TikTok, and others.” Unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an “injunction”) unless the respondent notifies the Board that, if found liable for infringement, they will stop or modify the activity. Although you noted that “I understand that the CCB cannot issue a binding injunction, but I seek this determination to prevent further harm to my intellectual property rights, with the expectation that Brown will agree to comply” you cannot demand a binding injunction as part of your claim. For additional information please see page 6 of [Starting an Infringement Claim](#) and the [Damages](#) Chapter the CCB Handbook.

Misrepresentation—Reliance

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online. Your claim must make enough factual allegations to support each “element” of the claim. The elements of misrepresentation that apply to your claim are:

1. The respondent sent an OSP a counter-notice denying the claim of infringement in a takedown notice, and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP’s decision to repost the content, and
5. You were harmed as a result of the OSP's decision to repost the content.

17 U.S.C. § 512(f). The information provided in your claim presents conflicting information about whether the

alleged misrepresentation could not have been a factor in any decision by the OSP to repost the content.

In your claim, you state that the respondent's alleged misrepresentation "led SoundCloud to reinstate the infringing content after the 10-business-day window passed, exacerbating the harm from the infringement." However, the dates included in your claim indicate that the OSP may not have reinstated the material at the time you filed your claim. In your claim, you stated that the counter-notice at issue was sent on March 17, 2025, and you filed your claim on March 24, 2025. "Safe harbor" provisions in section 512 of the Copyright Act protect certain OSPs from paying damages for infringement claims if they restore allegedly infringing material, not less than ten or more than fourteen business days after receiving a proper counter-notice, unless they first receive notice of an infringement claim filed against the alleged infringer in court or before the Board. More information is available on the Copyright Office's [section 512](#) page.

The allegations in your claim along with the date that you filed your claim indicate that Soundcloud reposted the content before the ten day window passed. If this is true, your amended claim must include additional factual allegations confirming that Soundcloud reposted the allegedly infringing material before you filed your claim. On the other hand, if Soundcloud did not restore the allegedly infringing material before March 24, 2025, you should omit the misrepresentation claim from your amended claim.

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 supplemental 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.

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