



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0083

United States Copyright Claims Board

Langston M. Childs

CLAIMANT

v.

Vinny Kumar, MNRK Music Group L.P., Fly Guy
Entertainment LLC, and Empire Distribution Inc

RESPONDENTS

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 **October 24, 2022**. 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 extra 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.

Clarity – Authorship

Your claim includes confusing allegations about the authorship of the allegedly infringed works. The claim is based on infringement of several works registered by the Copyright Office with Registration Number SRu001232585. The registration certificate filed with the claim identifies the registered work as an unpublished collection of sound recordings entitled “CHARISMA GO HAM Beats” and lists you as both the author and the copyright claimant. But in the “Works infringed” section of the claim, which lists twenty-two allegedly infringed sound recordings, you do not identify yourself as an author of any of them. Instead, the claim identifies the artist Montana of 300 as the author or co-author of eighteen of the recordings, and identifies the authors of the other allegedly infringed works as “Savage Ft. J Real,” “Lil Blood,” and “ALLBLACK Feat. Da Boii (SOB X RBE).” These allegations contradict the information in the registration certificate. It appears possible that, in the claim section that calls for you to identify your allegedly *infringed* beats, you may have instead listed allegedly *infringing* recordings that you contend used your beats without a license.

If you submit an amended claim, you need to clarify these issues so that the Board and the respondent can understand them. The “Works infringed” section must identify your allegedly infringed works and must clarify who the author of the allegedly infringed works is. If you are an author of the works listed in the “Works infringed” section, as the registration certificate suggests, then you must list yourself as an author of each work in that section. If you are not an author of those works, then the “Describe the infringement” section of your amended claim must explain the authorship discrepancy with the registration certificate and explain how you are the legal or beneficial owner of the copyrights in those works. More information about authorship and ownership is available on page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Clarity – Respondents and Works Infringed

Your claim also does not present enough facts to clearly state how each respondent used any of your exclusive rights, in each allegedly infringed work, without permission.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly perform the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

The claim’s list of allegedly infringed sound recordings includes “Ain’t Chu” and “In My City.” The claim does not indicate how the named respondents infringed your exclusive rights in either of those recordings, or how respondents MNRK Music Group and Vinny Kumar engaged or participated in any infringing activity.

Two of the supplemental documents filed with the claim appear to be demand letters that you wrote about the alleged infringements. One letter, addressed to Mr. Kumar and a non-party, asserted that you produced eighteen of the recordings for Montana of 300 and that respondent Fly Guy Entertainment distributed those recordings without a license. The second letter, addressed to another non-party, asserted that you produced several other sound recordings for other artists “on the [respondent] Empire [Records] distribution label,” though the artists had no distribution license. Neither demand letter mentions “Ain’t Chu” or “In My City.” Your claim lists those two works in the “Works infringed” section but does not identify a relevant infringing act. Your submissions do not provide a basis to hold any respondent liable for infringement of either work.

Your claim also does not appear to include facts that support making either MNRK Music Group or Mr. Kumar a respondent to your claims. No allegations describe either of them playing any role in any alleged infringement. Supplemental documents filed with the claim indicate

that Mr. Kumar may have been aware of your demands before you filed the claim, but they do not suggest that he personally copied, distributed, performed, or prepared derivative works based on your allegedly infringed works, or participated in any such infringing activity.

If you submit an amended claim, you must more fully explain how *each* respondent infringed each of your allegedly infringed works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe (1) acts infringing your copyrights in “Ain’t Chu” and “In My City,” specifying the infringing works and how the respondents engaged in the infringing activity, and (2) the infringing acts of each respondent, specifying the allegedly infringed and infringing works for each respondent. You should be as detailed as possible, setting forth what each respondent did in relation to each work you allege was infringed. If you cannot state facts to support an infringement claim about any particular works, or against any named respondents, you must omit them in the amended claim.

Related Respondents

The Board can only hear claims asserted against multiple respondents if all claims in the proceeding “arise out of the same allegedly infringing activity or continuous course of infringing activities[.]” 17 U.S.C. § 1504(c)(6). Your claim asserts that the respondents each infringed the copyrights in sound recordings that you produced, but you do not appear to allege that all respondents acted together or that your claims all arise out of the same infringing activity or activities. As discussed above, your supplemental documents include demand letters that appear to describe two distinct groups of allegedly infringing acts by different parties. The letter addressed to Mr. Kumar alleged infringing use of the eighteen Montana of 300 sound recordings distributed by Fly Guy Entertainment, and the other letter alleged infringing use of “07 Lynch,” “Cooties 19,” and other works distributed by Empire Records. Your claim does not make apparent how the two groups of alleged infringing activities are related. To address this issue, your amended claim must either be raised against only one respondent (or set of respondents, if you allege that they acted together in the same course of conduct), or must include facts that indicate that all respondents jointly engaged in the same allegedly infringing activities or were parts of a chain of one continuous course of allegedly infringing activities.

Copyright Infringement – Access

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 facts about how the respondent had “access” to your work. “Access” means a reasonable opportunity to view or hear 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 that 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 public or respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

Copyright Infringement – Substantial Similarity

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

Your claim states that your works are sound recordings and that the respondents used those works without permission, distributing them through several online platforms. A supplemental document filed with the claim appears to depict a folder containing certain “Charisma go ham beats” files, which may be the registered works, although it is hard to tell. However, you do not provide any detailed information describing or depicting your works, or how they were used in any infringing works. No allegations in the “Describe the infringement” field of the claim describe your works or the allegedly infringing works, or state or show how they are identical or substantially similar, and you have not provided copies of the works at issue as supplemental documents. As a result, the claim does not provide enough information to enable the respondents to understand the claim and respond to it. When 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 works were taken by the respondents in each of the allegedly infringing works, or copies or other 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 so they can be properly compared to each other.

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.

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 that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

September 23, 2022