



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0125
May 2, 2024

Amschel M de Rothschild, II

CLAIMANT

v.

Amschel M de Rothschild II

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 **June 3, 2024**. 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.

Noninfringement Claim – Clarity

You have filed a claim for a declaration of noninfringement, which asks the Board to find that your actions do not amount to an infringement of the respondent’s copyrighted work. If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe. In the “Work(s) respondent says you have infringed” section of the claim, you are required to list certain information about each work that the respondent alleges that you infringed, if known. 37 C.F.R. § 222.2(c)(8)(ii). Instead, you list information about your own sound recording, which you describe as a “musical work that I composed, wrote and performed.” If you file an amended claim, revise that section to provide the requested information about the work that the respondent claims you infringed, if you know it, not about your own work.

Proper Respondent

The claim must include the name(s) of the respondent(s). 37 C.F.R. § 222.2(c)(5). You list yourself as both the claimant and the respondent. You must correct that mistake in an amended claim by naming a proper respondent or respondents.

There must be an “actual controversy” between you and the respondent over whether you infringed the respondent’s copyright, for example, if the respondent is accusing you of infringement. 28 U.S.C. § 2201(a); see 17 U.S.C. § 1504(c)(2). The claim must identify the party or parties that accused you of infringement and describe the reasons why you believe there is an actual controversy about the requested declaration. 37 C.F.R. §§ 222.2(c)(8)(i) & (v). In the “Party asserting infringement” section of the claim, you list: “TuneCore, Too Lost. Black On Black, Never Fall in love via 3rd party adrev, Malthe Malthe Jensen, Spotify, You Tube, Musicgateway, Horus Muisc and Distrokid.” In emails with Board staff after filing the claim, you indicated that you seek to name several of the listed entities as respondents. While you may name proper respondents in an amended claim, your allegations do not describe how those parties accused you of infringement. In the “Describe dispute with respondent” section, you state: “I am being extorted by Mexican gangs and cartels who have been making threats, taking my music down via false copyright claims and attempting to upload in via online distributors.” A [supplemental document](#) filed with the claim appears to be a June 17, 2023 email you sent to Tunecore, asserting that one of its artists “and his team stole my song and released this on his/her own as their own. . . . I have had his music removed from spotify before. He keeps using other names and distribution companies to re-upload my song.” Your allegations appear to describe disputes over alleged infringement of works claimed not by the listed entities but by third parties.

Other supplemental documents indicate that several of the entities listed are online service providers (OSPs) that did not themselves accuse you of infringement; instead, it appears that they responded to takedown notices in which third parties accused you of infringement. Without more, an OSP informing you about a takedown notice it received does not mean that the OSP itself accused you of infringement. The Board cannot hear a noninfringement claim against an OSP if it has not claimed to own the copyright for the allegedly infringed work. Only a person or entity claiming to own the copyright in a work and alleging that you have infringed that copyright can be a proper respondent for your noninfringement claim because only a copyright owner could bring a claim for infringement against you. If there is an actual controversy over whether you committed copyright infringement, it seems to be between you and whoever issued the takedown notices. If the legal rights of the OSPs are not at stake in that dispute, a noninfringement claim against them would not present an actual controversy that the Board can resolve.

If you file an amended noninfringement claim, it must specifically describe an actual dispute between you and the named respondent(s) over whether your activities infringed their copyright. This claim may not proceed against the identified OSPs unless, in an amended claim, you provide facts indicating that they claim an ownership interest in the copyright or control the copyright of a work or works you allegedly infringed, and that you reasonably anticipate that the OSPs may sue you for infringement. You must clearly allege how the accusation of infringement was made against you, and by whom. More information about what is required to support a claim for a declaration of noninfringement is available in the [Starting a Noninfringement Claim](#) chapter of the CCB Handbook.

In addition, your amended claim must include each respondent’s mailing address, and the Board can only hear a claim asserted against persons or entities residing inside the United States. 37 C.F.R. § 222.2(c)(6); 17 U.S.C. § 1504(d)(4). Your April 23, 2024 email to the Board included addresses for several of the entities listed in the “Party

asserting infringement” section. You provided addresses in England for both Music Gateway Ltd and Horus Music Limited. Your amended claim may not name respondents that reside outside in the United States.

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.

Copyright Claims Attorney