



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0028

United States Copyright Claims Board

Chervalin Publishing Company

CLAIMANTS

v.

Alligator Records

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

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

If you wish to proceed with this claim, you must file a second amended claim by **December 5, 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. There is no extra filing fee for a second amended claim. If you amend your claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B), [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended claim before you file a second amended claim. 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 Claim – Legal or Beneficial Ownership

Your claim provides conflicting facts about the claimant's status as a legal or beneficial owner. 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). When the amended claim was submitted, you certified that the claimant was the legal or beneficial owner of rights in the work identified in the infringement claim.

Your claim lists a 1962 copyright registration, No. EU0000740632, for the allegedly infringed work, which lists Alfred Lloyd Reed, Jr. as the author and includes Chervalin Publishing Co. as a co-owner. A Board search of Copyright Office records led to a renewal registration, No. RE0000558123, which indicates the copyright was renewed in 1990 in the name of Audrey Richardson Reed (presumably, the next of kin of Alfred Lloyd Reed, Jr.) as the sole claimant (copyright owner). You are not listed in that record as an owner of the copyright for the current copyright renewal term. These facts are in conflict with your certification.

The additional [supplementary document](#) included with your amended claim appear to be a cover letter from BMI detailing a phone call enclosing two copies of an agreement and the first page of a BMI successor agreement. The cover letter asserts that Chervalin Publishing Co. was solely owned by Alfred Lloyd Reed, Jr. and the successor agreement transfers the public performance rights to BMI in any musical compositions owned by "Ingrid Taylor, Valerie Reed Boss, and Cheryl R. George, a Partnership doing business as Chervalin Publishing Co." The document is labeled the "agreement for successor to Alfred Lloyd Reed, Jr." This supplemental document does not explain (1) Chervalin's connection to Audrey Richardson Reed, the renewal registration claimant, or (2) how Chervalin obtained ownership of the copyright in the two works listed in the claim.

To correct this issue, you must add additional information to the "Describe the infringement" section of the claim that explains how either the named claimant entity (1) obtained ownership of the exclusive rights allegedly infringed, or (2) has been the author or other legal or beneficial owner of the exclusive rights at the time of the infringement. You may also choose to include additional information or supplementary documentation that explains Chervalin's legal entity status and its relationship to Audrey Richardson Reed.

Final Amendment

Your amended claim resolves some, but not all, of the issues raised in the September 28, 2022 noncompliance order. If you file a second amended claim, it must state enough facts in support of the claim alleged. **This is your third and final opportunity to submit a compliant claim in this proceeding. If you raise any claims that your allegations do not support, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B). In the alternative, you can delete any unsupported claim allegations in your second amended claim.

To submit a second 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 your claim included 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 claim flow 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
November 3, 2022