



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0291

November 25, 2024

M-1 Studios LLC and Tri-Omega Productions

CLAIMANTS

v.

Bassquatch Productions LLC

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 26, 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. There is no additional filing fee for an amended claim. If you file a second amended 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 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.

Real Party in Interest

A claimant must be a “real party in interest,” which is a person or entity with the right to bring the claim. 17 U.S.C. § 1501(1). An infringement claim can only be brought by a legal or beneficial owner of the copyright in the allegedly infringed work. 17 U.S.C. §§ 106 & 501(b). You name two claimants, M-1 Studios LLC (M-1) and Tri-Omega Productions (Tri-Omega), that do not appear to have any right to raise this infringement claim.

The allegedly infringing works are two television episodes, which you listed in the “Works infringed” section of the claim. You allege that the episodes include music from non-party GMP Music (GMP), and that the respondent Bassquatch Productions LLC (Bassquatch) “does not have a license to continue including this music in these episodes publicly online.” You allege that M-1 has a current license from GMP, which you filed as a [supplemental document](#). However, you do not claim that M-1 or Tri-Omega owns the copyright in any allegedly infringed musical work. The license indicates that GMP is the sole owner and that M-1 has only a non-exclusive license, which is not an ownership interest.

You identify Tri-Omega as a co-owner, and M-1 as the author, of the allegedly infringing episodes. That does not give either Tri-Omega or M-1 the right to bring a claim that Bassquatch's use of GMP's music infringes GMP's copyrights. You may not file a second amended claim unless the claimants have a legal right to bring the claim. M-1 and Tri-Omega have no right to bring a claim that Bassquatch is infringing GMP's musical works.

Co-ownership

You also may not file a second amended claim that Bassquatch is infringing the two episodes listed in the "Works infringed" section, if Bassquatch is an owner or co-owner of the copyright for those episodes as you indicate. An infringement claim cannot proceed against a co-owner. Information about joint ownership of a copyright is available at pages 9-10 of the [Responding to an Infringement Claim](#) chapter of the CCB Handbook.

You allege, and Copyright Office records state, that Bassquatch and Tri-Omega are co-owners of those episodes. In another [supplemental document](#), M-1 seems to describe the episodes as a "joint production" with Bassquatch ("we have several shared episodes of joint production with them of a series online"). Those assertions are incompatible with a claim of copyright infringement against Bassquatch because a copyright owner or joint owner cannot be liable for infringing that copyright.

Copyright Registration

The Board can only hear a copyright infringement claim if, *before* the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

The amended claim does not identify any copyright registrations or applications for registration for any GMP work. You may not file a second amended claim based on infringing those works unless a legal or beneficial owner of the works has authorized you to name it as the claimant, and had obtained or applied to obtain registration for the copyrights before the claim was filed on September 29, 2024.

The only copyright registrations referenced in the amended claim are Bassquatch's registrations for the two television episodes. Copyright Office records for those registrations do not list M-1 and Tri-Omega as copyright owners of those episodes; instead, they identify Bassquatch and Tri-Omega as the sole authors, and Bassquatch as the sole copyright owner. M-1 cannot rely on Bassquatch's registrations to support an infringement claim, unless M-1 presents facts in an amended claim that indicate how it obtained ownership rights to those registered works. In addition, neither M-1 nor Tri-Omega may rely on Bassquatch's registrations to support an infringement claim against Bassquatch.

Legal or 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). As discussed in the October 18, 2024 Order to Amend Noncompliant Claim, you do not present facts that indicate how either

claimant is a proper claimant to bring this claim. Your amended claim clarifies that the allegedly infringed works at issue are GMP's music. You have not asserted that M-1 and Tri-Omega have any ownership of the copyrights in that music, or that they have an assignment of, or an exclusive license to use, the exclusive rights at issue in the music. In addition, M-1 does not appear to be a legal or beneficial owner of any work at issue. You identify it as a producer of the allegedly infringing episodes. That does not make it an owner of any infringed work.

You may not file a second amended claim alleging infringement of any works unless you show that the claimants are legal or beneficial owners of the works.

Infringing Activity

A copyright infringement is an unauthorized use of a copyrighted work. 17 U.S.C. §§ 106 & 501(a).

Information filed with the amended claim indicates that Bassquatch's use of GMP's music may be authorized.

You indicate that M-1 has renewed its annual license from GMP, and that the episodes at issue were produced during the term of the previous year's GMP license, which covered the GMP music in those episodes. The current GMP license states: "Productions finished within the web lease contract date range are licensed in perpetuity." If the previous year's license included the same provision, and covered the GMP music in the episodes at issue, then the license is valid "in perpetuity," that is, forever, whether Bassquatch has a current license or not. If those are the facts, then Bassquatch's continued use of the music in those episodes is authorized, and there is no basis for the concerns stated in the amended claim that it could endanger M-1's license.

You may not file a second amended claim unless you state facts that show that Bassquatch is infringing your copyright. Your amended claim does not state such facts. It seems to show that Bassquatch is not infringing any copyright at issue.

Final Amendment

Your amended claim does not resolve the issues raised in the October 18, 2024 Order to Amend Noncompliant Claim, and it raises other compliance issues, also discussed in this order, that must be resolved for the claim to move forward. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

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 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 Board