



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0388

January 15, 2025

STACKTRACE MUSIC, LLC

CLAIMANT

v.

#JUSTAREGULARDAY, LLC,

Nia Sultana

RESPONDENTS

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 **February 14, 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.

Legal or Beneficial Ownership

Your claim provides unclear information about the claimant's status as a legal or beneficial owner of the allegedly infringed work. 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). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue.

The claim does not present facts that indicate that STACKTRACE MUSIC, LLC, is a proper claimant. A Board search of Copyright Office records shows that Stephen Paul Banik, Jan Richard Branicki, and Reese Boone are the copyright claimants of the registration listed in the claim. Even though they may be the owners of STACKTRACE MUSIC, LLC, the law considers LLCs to be separate legal entities from the individuals who own

them. Because the copyright claimants listed on the registration certificate differ from the entity named as claimant in the proceeding and you have not included any additional information about the ownership of the copyright rights, your claim may not proceed in its current form.

To correct this issue, your amended claim must include specific allegations about how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. To correct this issue, you can either (1) amend the claim to name one or more of the claimants identified in the copyright registration (Banik, Branicki, and Boone) as claimant instead of STACKTRACE MUSIC or (2) provide additional information about how the copyright is actually owned by STACKTRACE MUSIC or was exclusively licensed to STACKTRACE MUSIC. You may also choose to include supplementary documentation such as an assignment or license that explains how these rights were transferred to STACKTRACE. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Infringing Activity—Multiple Respondents

Your claim does not present enough facts to clearly state how *each* respondent used any exclusive rights you have in your 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.

You have brought a claim alleging that multiple respondents infringed your work; however, the claim does not include enough information to provide a basis on which to hold each respondent liable for infringement. In your claim, you state that the work “has been unlawfully used by the artist Nia Sultana in her track titled “Proven.” However, you have not included enough facts in the body of the claim to show how #JUSTAREGULARDAY, LLC copied, distributed, performed, or prepared derivative works based on your work, or participated in any such infringing activity.

If you submit an amended claim, you must more fully explain how *each* respondent infringed your allegedly infringed work. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe the infringing acts of each respondent. You should be as detailed as possible, setting forth what each respondent did and how each respondent acted together or independently to infringe your work. If you cannot state facts to support an infringement claim about against any named respondents, you must omit them in the amended claim.

Relief—Improper Relief

Your description in the “Describe the harm suffered and the relief sought” field includes a request for “full ownership of the copyrights derived from our original work.” That is not relief that the Board can order. If you seek damages in an infringement claim, you can seek either (1) actual damages, and the respondent’s profits from

the infringement, or (2) statutory damages. You can request both in your claim, but you will need to choose one of those two alternatives before the Board issues a final determination. Actual damages are money damages awarded based on the proven harm or loss you suffered. An award of the respondent's profits includes those profits received as a result of the infringement after deducting expenses incurred by the respondent and taking into account profits attributable to factors other than the infringement. An example of actual damages may be the amount of lost sales revenue you experienced. Statutory damages are money damages awarded to a successful claimant within a range set by law, without the need to provide proof of the actual amount of harm or loss, although an award of statutory damages will typically bear some relationship to actual damages. To address this issue, you may file an amended claim that makes clear what you are asking for and does not allege that you are pursuing remedies from the CCB that it may not provide.

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.

