



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0069

March 18, 2025

William L. Spears

CLAIMANT

v.

Republic Records, OVO Sound, Universal
Music Group, and Warner Chappell Music

RESPONDENTS

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **April 17, 2025**. 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.

Pleading Form

The Board claim form is a standardized form, available on [eCCB](#), where claimants must enter all relevant allegations. Allegations in support of the claim must be made through the standard form. You submitted, as supplemental material with your amended claim, a thirteen-page document that appears to be patterned on a complaint that might be filed in federal court (Complaint), which includes extensive factual assertions not raised in the claim itself. You should use the actual claim form to make a clear statement of your factual allegations. While you may attach a separate document that recites additional facts, the relevant facts should be included in the amended claim form responses. The Complaint also is different from your amended claim form submission in significant ways. You name four respondents in the “Respondents” section of the amended claim, but the caption of the Complaint adds two other named respondents, and the “Parties” section of the Complaint appears to list

eight intended respondents. If your second amended claim includes a separate document that recites additional facts, it cannot contradict the facts stated in the claim form.

Respondents – Clarity

You must clearly identify each respondent by name, provide each respondent’s mailing address, and state facts related to each respondent’s infringing activity. As discussed above, your amended claim presents inconsistent information that leaves unclear exactly who the claim is against. The four respondents named in the “Respondents” section of your amended claim are Republic Records (Republic), OVO Sound (OVO), Universal Music Group (UMG), and Warner Chappell Music (WCM). However:

- The first paragraph of the “Describe the infringement” section names WCM, Republic, and “Aubrey Graham a/k/a Drake” (Drake) as respondents, though Drake is not listed in the “Respondents” section.
- The Complaint’s caption lists OVO, WCM, Drake, Republic, UMG, and Universal Music Publishing Group (UMPG) as respondents, though neither Drake nor UMPG is in the “Respondents” section.
- The Complaint’s first paragraph states that the Complaint is raised against only Republic, UMG, and Aubrey Drake Graham Entertainment (ADGE). ADGE is not in the “Respondents” section.
- Allegations against eight individuals and entities (WCM, Drake, Gordo, Liohn, Klahr, OVO, Republic, and UMG) in the “Parties” section of the Complaint suggest that all eight are intended respondents.

It is not clear which of those people (Drake, Gordo, Liohn, Klahr) and entities (Republic, OVO, UMG, WCM, UMPG, and ADGE) you truly intend to name as a respondent. Calling them “respondents” or “parties” without naming them in the “Respondents” section of the amended claim is not enough to make them respondents.

To address this issue in a second amended claim, the “Respondents” section must list each respondent in its own entry that includes each respondent’s mailing address. Only people and entities named in the “Respondents” section will be treated as respondents. Do not include confusing information elsewhere in the second amended claim that describes any other person or entity as a respondent. You must also state what each listed respondent did to infringe your work, as discussed more fully below.

Foreign Respondent

The Board cannot hear a claim “asserted against a person or entity residing outside of the United States.” 17 U.S.C. § 1504(d)(4). Information that you present indicates that several respondents or intended respondents reside outside the United States.

Although you provide a New York address for OVO in the “Respondents” section of the amended claim, your Complaint document states that OVO “is an independent company organized and existing under the laws of Toronto, Canada, with a principal place of business located in Toronto, Canada.” Your claim against OVO is outside the Board’s jurisdiction if it is organized in Canada and has its principal place of business in Canada, even if

it also has a business address in the United States. Your assertions in the Complaint indicate that the Board may not be able to hear a claim against OVO.

The Complaint document also seems to treat Liohn and Klahr as intended respondents, but it states that they are both “domiciled and residing in Stockholm, Sweden.” While you have not named Liohn and Klahr as respondents in the “Respondents” section of the amended claim, your assertions about their foreign residence indicate that they would not be proper respondents and should not be named as respondents in your second amended claim.

To address this issue, you may not identify OVO, Liohn, and Klahr as respondents or parties anywhere in the second amended claim (that is, not in the “Respondents” section, not elsewhere in the claim form, and not in any supplemental document) unless you include facts that show that they do reside in the United States.

Allegedly Infringing Activity

Your amended claim does not present enough facts about activities by several named respondents (and possibly intended respondents) to clearly state how each of them used your exclusive rights in the allegedly infringed work. Your second amended claim must include facts that indicate why each named respondent should be held liable as an infringer.

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 allege that Drake’s song “Rich Baby Daddy” infringes your copyright for a musical composition titled “Wobble.” In the “Describe the infringement” section of the amended claim, you state that Drake, WCM, and Republic “created or published Rich Baby Daddy,” and in the Complaint document you assert that Gordo, Liohn, and Klahr were among the producers of the allegedly infringing work. However, your amended claim does not identify anything any other respondent or possibly intended respondent did in relation to that work that would amount to infringement. In particular:

- The amended claim lists UMG in the “Respondents” section with contact information. The only other facts you allege about UMG are in the Complaint. In the Complaint, you assert that UMG is Republic’s parent company and “does business, in part, through Republic Records,” and that Republic “is an unincorporated division, subsidiary, brand, and/or record label of UMG” that is listed as UMG’s agent in the copyright registration for “Rich Baby Daddy.” Those allegations do not describe any infringing acts by UMG, and do not indicate that UMG is legally responsible for any infringement by Republic or by anyone else.

- UMPG is mentioned only in the caption of the Complaint document. No facts in the amended claim or the Complaint describe or show any infringing act by UMPG.
- ADGE is mentioned only in the first paragraph of the Complaint document, which states that the claim is brought against ADGE, Republic, and UMG. No facts in the amended claim or the Complaint describe or show any infringing act by ADGE. The Complaint refers to both ADGE and Aubrey Drake Graham personally as “Drake,” but you do not present facts that indicate that ADGE is legally responsible for any infringement by Graham or by anyone else.
- The amended claim lists OVO in the “Respondents” section with contact information. The only other facts you allege about OVO are in the Complaint. The Complaint indicates that OVO “is owned by Drake,” but it does not present a basis to consider OVO responsible for any infringement by Drake or by anyone else. The Complaint also asserts that OVO “is [one] of the authors of the music, lyrics and sound recording for *Rich Baby Daddy*.” However, you do not present facts that support that assertion, and the Complaint presents information that contradicts it: the Complaint identifies PA0002471909 as the Copyright Office registration number for “Rich Baby Daddy,” and the list of authors in that registration does not include OVO.

To address this issue, if you file a second amended claim, it must include specific facts that provide a basis for raising the claim against each named respondent. The second amended claim must either omit UMG, UPMG, ADGE, and OVO as respondents or include more facts about why they are responsible for alleged infringing acts.

Access

Your amended claim does not provide enough facts that indicate how the respondents had access to your work before the alleged infringement. “Access” means a reasonable opportunity to see, hear, or copy your work before the alleged infringement took place. You do not present enough information in the amended claim to indicate that it is reasonably likely that the respondents had access to your work before the alleged infringement began in 2023.

In the “Describe the infringement” section of the amended claim, you allege that “Wobble” was “recorded, published, performed, and otherwise made widely available” in 2012. The Complaint document further asserts that you are “well known in the rap and hip-hop community” and that you released “Wobble” on Facebook, Twitter, and YouTube in 2012, and that you publicly performed “Wobble” at least thirty-three times at various venues, mostly in Memphis, in the twelve years before the release of “Rich Baby Daddy” on October 6, 2023. You also state that Drake’s father Dennis Graham is an associate of the owner of the studio where “Wobble” was mastered, and lives in Memphis, as do other relatives of Drake.

The alleged facts are too speculative to support a theory of access by Drake. The mere possibility of access is not enough to support an infringement claim. You do not allege that “Wobble” has been commercially released or widely shared by members of the rap and hip-hop community. You do not indicate that “Wobble” has received

substantial distribution on social media or elsewhere. You do not allege that any relative or other associate of Drake attended any of your performances of “Wobble,” and you do not indicate the size of the audience at any of those performances. The facts you allege do not indicate that “Wobble” was so widely distributed that access by Drake or by any named respondent was reasonably likely before the recording of “Rich Baby Daddy.”

To address this issue, you must file a second amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondents, or a close associate of the respondents; (b) was widely disseminated or available to the respondents; or (c) is so strikingly similar to the allegedly infringing work that the respondents could not have created their work independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, for example, by providing the lyrics, sheet music, or sound recordings, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your amended claim also does not include enough facts to indicate how the allegedly infringing work is substantially similar to original, expressive elements of your work that copyright protects. To address this issue, if you file an amended claim, include more information about your work, the allegedly infringing work, and how creative elements of the works are similar.

Copyright protection only extends to the specific creative expression in a work that is original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313.4 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Not all elements of a creative work are protected by copyright, and not all similarities are infringing. An alleged infringer must have copied your original elements of expression.

Your amended claim and the attached Complaint do not provide enough information describing or showing substantial similarities between “Wobble” and “Rich Baby Daddy.” You state that the phrase “hands on my knees” is repeated twenty times in “Wobble,” including six times by a female voice in its “hook/chorus,” while the similar phrase “hands on your knees” is repeated twenty-four times in “Rich Baby Daddy,” including six times by a female voice in its “hook/chorus.” You state that the word “daddy,” which is in the title of the allegedly infringing work, is also in the chorus of your song. You also state that the songs share the “same hip-hop rap genre and ‘dance energetic’ style.”

However, copyright does not protect titles, individual words, or short phrases. 37 C.F.R. § 202.1(a); see *Compendium* Section 313.4(C). You do not identify any portions of your work that appear in “Rich Baby Daddy,” other than the short lyrical phrases “hands on . . . knees” and “daddy.” You have not identified copyright-protected

elements of your work that appear in an infringing work. The repetition of common words and phrases in the hook or chorus of a song is standard practice and does not make the songs substantially similar, even in songs of the same genre and style. Your allegations do not show how material in the works that copyright protects are substantially similar. In addition, you have not provided copies of the works as supplemental documents. As a result, the amended claim does not provide enough information to enable the Board or respondents to understand the similarity of the works.

If you submit a second amended claim, it must include more factual allegations that support the element of substantial similarity, including facts that show that elements of your work that were copied would be protected by copyright. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondents in the allegedly infringing work, or documents that are sufficient to show substantial similarity in material that copyright protects. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

Final Amendment

Your amended claim resolves some of the compliance issues raised in the February 20, 2025 Order to Amend Noncompliant Claim, and raises additional 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 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 Board