



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0128
July 7, 2023

Michelle Shocked

CLAIMANT

v.

CD Baby

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 **August 7, 2023**. 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 amended 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.

Copyright Infringement Claim – Infringing Activity

Your claim does not include enough detail about how the respondent engaged in activity that infringed one of the exclusive rights of copyright.

Your amended claim states that the respondent has infringed your work by (1) adapting the work into an audiovisual work and distributing the work on YouTube without a license and (2) distributing the work on Qobuz, Spotify, and Apple Music without a compliant mechanical license. You will need to provide more detail regarding both of these activities. With respect to the infringing activity on YouTube, you do not provide detail about the audiovisual work that was posted, how much of your work was used in the video, or the role of CD Baby in creating and distributing the audiovisual work. In your supplementary material, you include a screenshot of a removed video from Jeff Clayton's YouTube channel. This does not provide information or support about the activities of CD Baby.

For the second allegation, that CD Baby distributed the infringing work on a number of streaming platforms,

you only state that the respondent has engaged in distribution “without a compliant mechanical license.” This appears to be a legal conclusion. When you submit an amended claim, you must include facts in the claim that more fully explain what the respondent did.

If you submit an amended claim, you must include facts in the claim form that more fully explain how the respondent infringed your work. The claim must provide enough information to enable the respondent to understand the claim and respond to it. You should be as detailed as possible, setting forth what the respondent did in relation to the work you alleged was infringed. For example, you can describe how the respondent created digital copies of your work(s) and engaged in unlicensed online distribution or streaming activities.

Final Amendment

Your amended claim did not resolve of the compliance issues raised in the May 24, 2023, Order to Amend Noncompliant Claim. **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 Attorney