



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0357  
December 9, 2024

Jorge L. Reyes Mendoza

CLAIMANT

v.

Studio71

RESPONDENT

## 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 **January 8, 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. 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.

### **Allegedly Infringed Works – Clarity**

You have raised a copyright infringement claim. In the “Works infringed” section of the claim, you identify each of the allegedly infringed works as a sound recording. That is consistent with the Copyright Office records for the registrations listed in your claim, which identify the authorship claimed as “sound recordings, lyrics, and music.” However, you also describe each work as a song, which may refer to a musical composition, not a sound recording. Information about those two different kinds of copyright works is available in [Circular 56A: Copyright Registration of Musical Compositions and Sound Recordings](#) and in [What Musicians Should Know about Copyright](#).

Your claim does not provide enough information or clarity about which elements of the works you created were allegedly used by the respondent. It is not clear whether you claim that what was infringed was your sound recordings, or your musical compositions embodied in those sound recordings, or both. In the “Describe the infringement” section of your amended claim, please clarify which elements of your registered works you allege were infringed.

## Proper Respondent

You have not stated enough facts in the claim to indicate why the named respondent, Studio71, may be liable for copyright infringement. You allege that you sent a takedown notice to YouTube on July 5, 2023, seeking the removal of an infringing video on a YouTube channel named Canciones Catolicas. You allege that the video “contain[ed] only my music and no music from other artists,” and that it included your music throughout: “100% of the video contained my music.” You allege that you sent takedown notices to remove two other allegedly infringing Canciones Catolicas videos on April 12, 2023, and July 5, 2023, respectively. You describe Canciones Catolicas as the uploader of the videos, and you state that you believe the channel “later on signed up with this company Studio71 that manages many different YouTube channels and advocates on behalf of them.” You also allege that the channel “is now represented by Studio71.” However, it is not clear from your claim that Studio71 engaged in any infringement of your works.

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.

Your allegations do not offer enough detail about the respondent using your works in a way that would infringe any exclusive rights. Your claim does not indicate that Studio71 copied, distributed, or performed any of your works, or prepared a derivative work based on your allegedly infringed works. Instead, you seem to allege that it began to represent Canciones Catolicas only after YouTube removed an allegedly infringing video based on your takedown notice.

If you submit an amended claim, you must more fully explain how the respondent infringed your works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what the respondent did in relation to the works you allege was infringed. If Studio71 did not engage in any infringing activity, you may instead name a different entity or person as the respondent. The respondent must be a United States resident because the Board cannot hear a claim asserted against a person or entity residing outside the United States.

## Pleading Form

The Board claim form is a standardized form, available on [eCCB](#), where claimants must enter all relevant allegations. Allegations and documents in support of the claim must be submitted through the standard form.

On November 20, 2024, one day after filing the claim, you filed a second document on the docket titled “Youtube video link at issue,” which included a hyperlink to an allegedly infringing video, while noting that “the video is currently not available due to the restriction placed on it.” On December 2, 2024, you filed additional documents with YouTube links, apparently to two other allegedly infringing videos that are also not currently

available online. If you submit an amended claim, you may include that information in the “Where the alleged infringing acts occurred” section. However, in part because hyperlinks can lead to material that is no longer available online, the Board will not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental material in the “Supplemental documentation” section.

## **Access**

You allege that the respondent Studio71 represents Canciones Catolicas, which uploaded a video containing your works to YouTube without your permission. Your claim does not provide facts that indicate how the respondent or Canciones Catolicas had access to your works in the first place. “Access” means a reasonable opportunity to hear or copy your works before the alleged infringement took place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Your general assertion that “they stole my music from the internet” does not provide enough clarity. Acceptable allegations of access may include how your works (a) were sent directly to the respondent or Canciones Catolicas, or a close associate of the respondent or Canciones Catolicas; (b) were widely disseminated or available to the respondent or Canciones Catolicas; or (c) are so strikingly similar to the allegedly infringing videos that the respondent or Canciones Catolicas could not have created them independently. For example, you state that you own three YouTube channels, including an official artist channel, and that “YouTube . . . is my main source of income.” If you posted your works on YouTube, you may include facts that indicate when they appeared and how widely they were viewed before the alleged infringement.

Alternatively, you could upload copies of your works and the allegedly infringing videos if they demonstrate that the works are so strikingly similar that they could not have been created independently. However, to present your works and the allegedly infringing works to the Board, you must upload files containing the works and include those files in your second amended claim, not hyperlinks to YouTube or other websites that may host copies of the works. If you include copies of the works at issue as supplemental materials, they must be clearly labeled and identified so they can be properly compared to each other.

## **Substantial Similarity**

Your claim also does not include enough facts that explain the similarities between your works and the allegedly infringing work. If it is not readily apparent from supplemental documents submitted with the claim, you must provide specific allegations about how your works and the allegedly infringing works are substantially similar.

Your claim does not provide enough information describing your works or the allegedly infringing works. You list ten allegedly infringed works in the “Works infringed” section. You state that you wrote, sang, and performed the songs, recording yourself in your home studio. You also state that “100% of the video contained my music,” and that the video “contain[ed] only my music and no music from other artists.” However, you do not clearly indicate how much of each of your works appeared in the allegedly infringing videos.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your works were used by the uploader without authorization, or documents that are sufficient to show the similarities. For example, if the videos uploaded on the Canciones Catolicas channel included all ten of the works you listed in the “Works Infringed” section in their entirety, you may state that all of the works were copied in full. If you include copies of the works at issue as supplemental materials, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

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](mailto: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.