



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0094

March 21, 2025

Alan Lezama Acharte

CLAIMANT

v.

Benito Antonio Martinez and
RIMAS ENTERTAINMENT

RESPONDENTS

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

You first filed your copyright infringement claim on January 22, 2025, in Docket No. 25-CCB-0029. The Copyright Claims Board (Board) issued an Order to Amend Noncompliant Claim in that proceeding on February 10, 2025. On March 11, 2025, instead of filing an amended claim in that docket as directed, you mistakenly filed it in this proceeding, Docket No. 25-CCB-0094. With your authorization, the Board closed Docket No. 25-CCB-0029 and is treating the claim filed in this proceeding as your amended claim.

The 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 in this proceeding by **April 21, 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.

Copyright Registration

You have raised a claim of copyright infringement of a sound recording titled “HERMOZO ALO.” The claim must include the Copyright Office registration number SRu001540680, which issued for a group of ten sound recordings including “HERMOZO ALO.” You mistakenly listed that number as 00SRu1540680 in the amended claim. When you amend the claim again, edit the “Works infringed” section to correct the registration number.

Allegedly Infringing Activity

You are bringing your copyright infringement claim against two respondents, Benito Antonio Martinez (Martinez), alias Bad Bunny, and Rimas Entertainment (Rimas). Your amended claim does not include facts that

indicate how either of them committed any infringing acts. It does not present enough facts to clearly state how the respondents used any exclusive rights you have in “HERMOZO ALO” 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.

Your amended claim does not describe any activity by Rimas, and it does not clearly state facts about activity by Martinez. When you state, “i need this person who sing my songs stopped to sing my song like is him who made that rythoms . . . he need to stop singing my rythoms or melody,” it is not clear if the person you are describing is Martinez. Your amended claim also does not clearly identify an infringing work. Your original claim alleged infringement by Bad Bunny’s song “Baile Inolvidable,” but allegations that you raised in your original claim are not part of the amended claim. Your amended claim does not offer enough detail about either respondent using your work in a way that would infringe any exclusive rights, for example, that they copied, distributed, performed, or prepared a derivative work based on your work.

If you submit a second amended claim, you must more fully explain how the respondents infringed your work. To address this issue, you must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how each respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what both respondents did in relation to the work you allege was infringed.

Access

Your amended claim does not present plausible facts that indicate how either respondent had access to “HERMOZO ALO” in the first place. “Access” means a reasonable opportunity to hear or copy your work before the alleged infringement took place.

Your amended claim states that you “sang my own compositions in different places,” without further details. That does not indicate that it is reasonably likely that any respondent heard “HERMOZO ALO” because of those performances. You allege that someone who has booked reggaeton performers at Utah dance clubs once tried to take your phone, which contains recordings of your songs, and you allege that an unknown computer hacker has attacked your phone and your laptop. You do not present facts linking either respondent to those incidents or to any other way they might have had access to any of your works.

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 was available to the respondents; or (c) is so strikingly similar to an allegedly infringing work that the respondents could not have created it 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 materials, they must be clearly labeled and identified so they can be properly compared to each other. You included three different versions of “HERMOZO ALO” with the amended claim, without indicating which if any of them is the registered sound recording. You also included two short audio clips labeled “Baile Inolvidable,” but the amended claim does not clearly identify that as the allegedly infringing work, and those clips are not strikingly similar to any version of “HERMOZO ALO” filed with the amended claim. If you submit audio files as supplemental documents in your second amended claim, you must clearly explain what each file is and how it relates to the infringement claim, including identifying which “HERMOZO ALO” file is the registered sound recording.

Substantial Similarity

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

Your general allegations that someone is singing “my songs,” and “my rythoms or melody,” are not specific enough to support an infringement claim. You do not present enough facts to state or show how the works are substantially similar. Even if “Baile Inolvidable” is the allegedly infringing work, the samples provided do not appear similar to any of the “HERMOZO ALO” recordings you filed. As a result, the claim does not provide enough information to enable the Board to understand any alleged similarity of the works.

If you submit a second amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element, including a clear, detailed statement regarding which portions of your work were used by the respondents and in what portion of the infringing works they appeared. You may also submit documents or recordings that are sufficient to show the similarities, but the similarities must be apparent; as noted above, the Board cannot hear anything in the recordings of “Baile Inolvidable” you submitted that sounds substantially similar to anything in the recordings of “HERMOZO ALO” you submitted. If you again include copies of “HERMOZO ALO” and the respondents’ allegedly infringing work as supplemental material, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

Online Service Provider

Your amended claim also includes allegations identifying the respondents as an “online service provider” (OSP) that do not appear to be correct.

Under the CASE Act, when a claimant raises a copyright infringement claim against an OSP for storing, or referring or linking to, infringing material, the Board must find the claim noncompliant unless the claimant affirms

that the claimant sent a takedown notice to the OSP as required by section 512 of the Copyright Act, and that the OSP failed to remove or disable access to the material expeditiously when it received the takedown notice. In this context, an OSP is a provider of online services to store (and make available), refer to, provide access to, or link to material that is available online and that was created by someone other than the OSP. OSPs include content-sharing websites and internet search engines, among other services. Please visit the [section 512](#) page and the discussion at pages 20-22 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information about what section 512 of the Copyright Act requires for an infringement claim against an OSP.

You can only bring an infringement claim against an OSP if the OSP failed to take down third-party material in response to a proper takedown notice. You indicate that you have not sent such a notice. In your responses to questions on the claim form, you allege that at least one respondent is an OSP and that you are bringing the claim against the OSP because it stored, referred, or linked to infringing material posted by others. However, you responded “No” to the question, “Did you send the online service provider a ‘takedown notice’ as required by Section 512 of the Copyright Act?” Your claim is not compliant because you state that you are bringing the claim against an OSP based on its actions as an OSP, while you do not allege that the OSP failed to act promptly in response to a takedown notice.

No other information in your amended claim suggests that either of the respondents actually acted as an OSP in relation to infringing material posted by a third party. If your claim is that the respondents—rather than third parties—committed the allegedly infringing acts, then you can resolve this issue by answering “No” to the question of whether any of the respondents is an OSP.

To correct your noncompliant responses to the OSP questions in the claim form, you must provide different responses in a second amended claim. If neither respondent is an OSP, as discussed above, then you must answer “No” to the question “Are any of the respondents online service providers?” If a respondent is an OSP, and you seek to hold that respondent directly liable for its own actions and not for failing to take down material posted by a third party, then you must answer “No” to the question “Are you bringing a claim against the online service provider due to their storage of or referral or linking to infringing material posted by others?” Finally, if you maintain that a respondent is an OSP, that you sent the OSP a takedown notice, and that the OSP did not promptly redress the third party’s infringement, then you must answer “Yes” to all four OSP questions, including “Did the online service provider fail to expeditiously remove or disable access to the material after you sent a takedown notice?” and you must state facts supporting those allegations. Again, your current factual allegations do not portray any respondent as an OSP.

Final Amendment

Your amended claim resolves some, but not all, of the compliance issues raised in the February 10, 2025 Order to Amend Noncompliant Claim in Docket No. 25-CCB-0029, and it 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.