



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0082

April 23, 2025

jeffery L barrett

CLAIMANT

v.

BLOOD DESECRATION LLC, David Sutton

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 **May 23, 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 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 — Clarity

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not clearly state how each respondent used your works without permission and how the

respondent's sound recordings are substantially similar to your sound recordings. Please provide more details and background regarding these elements in your amended claim.

Infringing Activity — Clarity

Your claim does not present enough facts to clearly state how *each* respondent used any exclusive rights you have in the allegedly infringed 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 two respondents infringed your work; however, the claim does not include a clear statement of the infringing activity of *each* respondent.

In your claim, you give what appears to be a lengthy narrative of the circumstances surrounding the creation of your works and your association with the respondents. However, you have not included a clear statement that explains the allegedly infringing activities of each respondent. To address this issue, your amended claim must include a clear statement of how each respondent infringed your works.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the respondent's allegedly infringing work.

In your claim, you repeatedly discuss the respondents' modification and alteration of the lyrics in the songs. Melody and lyrics are elements protected by a copyright in the musical composition. However, a Board search of Copyright Office records shows that the scope of your registrations only cover the sound recording of each work but do not extend to any musical works embodied in the sound recordings. Infringement of the copyright in a sound recording requires duplication of the actual sounds that are included in the sound recording, but the claim does not suggest that any such duplication took place. Information about those two different kinds of copyright works is available in [What Musicians Should Know about Copyright](#).

To bring a claim of copyright infringement of a sound recording, the allegedly infringing work must contain actual sounds recorded in the allegedly infringed sound recording. If you maintain the allegations that the infringing activity is the creation of a derivative work based on your sound recording, your amended claim must allege facts that show that the respondent rearranged, remixed, or in other ways **reproduced or altered the actual sounds** embodied in your sound recording, because for sound recordings, the right to prepare derivative works is limited to such acts. See 17 U.S.C. § 114(b) (the exclusive rights to make copies and derivative works of a sound recording “do not extend to the making or duplication of another sound recording that consists entirely of an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording”).

You should consider focusing and reorganizing your narrative to go through the elements of copyright infringement so that you can say what the respondents did that actually violated of your copyright rights, and how each of the respondent's sound recordings reproduced or altered the actual sounds in your sound recordings. Please focus on the specific actions by each respondent that violated one or more of your exclusive rights in your sound recordings – the right to reproduce, to distribute, or to publicly perform the work, or to make a “derivative work.” Your amended claim must allege facts that show that the respondent rearranged, remixed, or in other ways reproduced and altered the actual sounds embodied in your sound recording. The Amended Claim includes a lot of extraneous information that make it difficult to understand what it was that respondents did to infringe your copyrights.

Claim Clarity

A claim can also be unclear if you include information that the rest of the claim does not support. The Board has identified some allegations in your claim that are unclear or contradict other information provided in your claim. These allegations may need to be removed from your claim.

- In your claim, you state that the respondents are “[d]efrauding the copyright office copyfraud false copyright claim” Please note that registering a copyright does not constitute an act of copyright infringement, even if the person or entity who registered the copyright does not own the copyright. If you would like to learn more about how the Copyright Office handles competing copyright registrations, please refer to [Section 1808](#) of Compendium (Third). You should remove this allegation from your claim.
- In your claim, you answered a series of questions about the respondents’ actions as an online service provider and list “support.facebook.com” as the “Respondent name or organization.” Your claim does not include Facebook as a respondent, nor does it show a basis for raising a claim against Facebook for acts infringing your copyright. If you are not naming Facebook as a respondent, you should answer “no” to the question “Are any of the respondents online service providers?” If you wish to add Facebook as a respondent, you will need to clearly state how Facebook infringed your work. Please visit the [section 512 page](#) and the discussion at pages 18-19 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information about what is required for an infringement claim against an OSP protected by a section 512 safe harbor
- You have also included relief the Board cannot grant. It appears that you may be seeking relief for “mental anguish.” The Board can grant only certain types of relief. An infringement claimant may be awarded either (1) its actual damages and the alleged infringer’s profits earned as a result of the infringement or (2) statutory damages within a set range, but not both. The Board cannot award monetary amounts unrelated to copyright, such as punitive damages, interest, claims of physical or mental harm, lost wages, or harm to a brand. You should amend your claim to only include relief the Board can grant.

Final Amendment

Your amended claim resolved none, of the compliance issues raised in the March 13, 2025, 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 Board