



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0394

March 7, 2025

Amir Omar E Ali

CLAIMANT

v.

Eric Kaiser, SELECT- O-HITS, INC.

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 7, 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.

### Infringing Activity—Eric Kaiser

Your claim does not present enough facts to clearly state how Eric Kaiser used the exclusive rights you have in the album without permission. As further described below, if you file a second amended claim, it must include allegations that support a claim based on direct infringement, secondary infringement, or both against Eric Kaiser. It does not appear that you are alleging that Eric Kaiser engaged in direct infringement (that is, that Eric Kaiser personally made copies of the “The Face of God” and/or distributed copies to the public.) It may be that you are alleging that Kaiser engaged in secondary infringement by authorizing SELECT-O-HITS, INC. to distribute the work. Merely “presenting” somebody else’s recording to a record company, which subsequently makes and distributes phonorecords of that recording, is not an act of infringement without more.

### I. Direct Infringement

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. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook. To support a claim of direct copyright infringement, your second amended claim must include facts that indicate that Eric Kaiser violated one or more of those exclusive rights.

In your claim you state that “unauthorized Eric Kaiser (K-Rino) presented my album: Kuwait the Face of God to SELECT-O-HITS, INC.” You further state that “Eric Kaiser (K-Rino) received money for my album from SELECT-O-HITS, INC.” However, the circumstances surrounding Eric Kaiser’s presentation of the album were not included in the amended claim. It is unclear if Eric Kaiser made an unauthorized deal with SELECT-O-HITS, Inc. to reproduce and distribute the album or if Eric Kaiser merely gave them a copy of the album.

If you want to assert a claim of direct infringement, then your second amended claim must include more facts that support that claim. Such a claim must state facts showing that Eric Kaiser personally engaged in unauthorized reproduction, or distribution of the album.

## **II. Secondary Infringement**

A copyright infringement claim may be also raised against a “secondary infringer” who does not engage in any infringing acts directly, but profits from or facilitates acts of direct infringement by others. Some facts in your amended claim suggest that you may wish to bring a claim of secondary infringement to hold the Eric Kaiser liable for activities by a third party. To support a claim of secondary infringement, you must provide additional facts about how Eric Kaiser acted in relation to SELECT-O-HITS, Inc.’s activities.

A contributory liability claim must state facts that indicate that the respondent knows about a third party’s infringing activity and induces, causes, or substantially contributes to that infringing conduct. If you want the Board to find Eric Kaiser contributorily liable for third-party uses of the album, your amended claim must include allegations that he knew, or had reason to know, that SELECT-O-HITS, Inc. uses of the album would be infringing, and that he facilitated that infringing conduct by inducing, causing, or materially contributing to its use.

Your current allegations about Eric Kaiser’s actions indicate that he was aware of the album and “presented the album” to SELECT-O-HITS, Inc. However, you have not alleged that he in fact induced, caused, or materially contributed to SELECT-O-HITS’ actual engagement in direct infringement by, for example, copying, distributing, or publicly performing your work and that he knew SELECT-O-HITS was or would be engaging in those acts. More information about contributory liability is available at page 22 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

## **Final Amendment**

Your amended claim resolved some, but not all, of the compliance issues raised in the January 24, 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](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.

Copyright Claims Board