



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0404
January 16, 2025

Tommaso Carella

CLAIMANT

v.

Brandon O'Sullivan

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 **February 18, 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.

Impermissible Claim—Infringing Activity

The Board is only authorized to resolve certain types of copyright disputes, including claims of copyright infringement. Your copyright infringement claim does not present enough facts to clearly state how the respondent used any exclusive rights you have that are granted to you by copyright law and are in an allegedly infringed work without permission. Copyright law grants certain 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.

A dispute over copyright ownership is not something the Board is allowed to hear. In your claim, you do not allege that the respondent reproduced, adapted, distributed, or publicly performed your work without authorization. In your claim, you allege that the respondent “falsely registered my works as his own compositions with BMI and other collecting societies, claiming sole authorship and ownership of 26 tracks.” BMI (Broadcast Music, Inc.) is a performing rights organization, and registering music with BMI does not fall under one of the exclusive rights granted by copyright law such that registration would be considered copyright infringement; it is a way to claim your

performing rights and receive royalties when music is publicly performed. To the extent that your allegations attempt to make a claim that respondent told BMI that they owned the works so respondent would get payments from the performing rights organization, this would relate to a copyright ownership dispute. The Board can only hear claims of copyright infringement, noninfringement, or misrepresentation. It cannot resolve pure authorship disputes. 17 U.S.C. 1504(c). You should only amend your claim if you can state allegations of copyright infringement. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook. Note that copyright ownership claims can be heard by a federal court, so if your claim is purely about a false claim of copyright ownership, you may consider that route.

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.