



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0209

June 13, 2025

Monolith Graphics

CLAIMANT

v.

Ross M. Geraci

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended with leave on June 5, 2025, 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 **July 14, 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.

Copyright Ownership

Your claim provides conflicting information about claimant Monolith Graphics' (Monolith) status as a legal or beneficial owner of each of the allegedly infringed works.

To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement.” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work.

You allege infringement of sound recordings on albums titled *Necronomicon*, *Blood of the Dragon*, and *Transylvania*, and of musical works embodied in those recordings. You list copyright registration numbers for each work, and you include copies of the registration certificates as supplemental documents in the claim. The *Blood of the Dragon* registration covers authorship in its “sound recording, music, words, [and] lyrics”; for *Necronomicon* and *Transylvania*,

the “words and music” are covered by separate registrations than the sound recordings. In the “Works infringed” section of the claim, you name Joseph R. Vargo (Vargo) and William Piotrowski (Piotrowski) as the authors of each work. You state that they performed on the albums as Nox Arcana, and you list Nox Arcana and Monolith as the co-owners of the sound recordings, though not of the musical works on *Necronomicon* and *Transylvania*.

The registration certificates for the *Necronomicon* and *Transylvania* sound recordings name Nox Arcana and Monolith as copyright claimants (owners) of those works. However, the registration certificates for *Blood of the Dragon* and for the *Necronomicon* and *Transylvania* musical works name Vargo and Piotrowski as the sole authors and copyright claimants of those works. Those certificates do not name Monolith as an author or copyright claimant.

A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the work at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The claim does not present facts that indicate that Monolith is a proper claimant to raise claims of infringement based on the *Blood of the Dragon* sound recording or the musical works on any of the Nox Arcana albums.

To correct this issue, if you wish to keep the *Blood of the Dragon* sound recording and the musical works at issue in your claim, your amended claim must include specific allegations about how the claimant owns, or has an exclusive license to use, the *Blood of the Dragon* sound recording and the musical works at issue. You can do this either by adding facts to the “Describe the infringement” section explaining the claimant’s ownership of exclusive rights in the works at the time of the infringement, or by submitting supplemental documents that demonstrate the claimant’s rights. For example, if Vargo or Piotrowski gave Monolith an exclusive license to use those works, then Monolith would be an appropriate claimant and the amended claim should state that the works were exclusively licensed to Monolith. If you include copies of assignments or licenses as supplemental documents in the amended claim, they must be clearly labeled and identified. Alternatively, if Vargo and Piotrowski are the sole copyright owners and they have not transferred their exclusive rights in *Blood of the Dragon* or the musical works to Monolith, then the amended claim should add one or both of them as claimants, if they agree to participate as claimants. If an individual gets added as a claimant, they will need to represent themselves or have an attorney. A business representative of Monolith cannot represent them.

Clarity

Your claim describes a variety of allegedly infringing acts by the respondent and others. You allege that multiple sound recordings by multiple artists that include unauthorized samples from *Blood of the Dragon*, *Necronomicon*, *Transylvania*, and other Nox Arcana recordings have been distributed, reissued, and rereleased by various parties over the last fifteen years. For many of the respondent’s allegedly infringing acts, the claim does not make clear if, for each work alleged to be infringed, the infringements occurred, or if you reasonably first learned of them, within the last three years.

Your claim cannot proceed based on any alleged infringing activities that you knew about or should have known about more than three years ago. A “statute of limitations” is a time limit set by law for starting a claim. The statute of limitations period for copyright claims, both in federal court and the Board, is three years after the claim “accrues.” 17 U.S.C. §§ 507(b) & 1504(b)(1). A claim for copyright infringement accrues when the infringing act occurs, or when the claimant discovers, or with due diligence should have discovered, the infringement. A proceeding before the Board cannot be commenced more than three years after the claim accrued. 17 U.S.C. § 1504(b)(1).

Your claim includes copies of some of your demand letters and takedown notices sent to the respondent and various music distributors since 2013. For example, you allege that the respondent redelivered an infringing recording via Catapult Distribution in 2015 and 2016, and the claim includes a copy of your March 9, 2022 notice of infringement addressed to Catapult Distribution about its distribution of that recording. Because it is clear that you knew of those allegedly infringing acts more than three years before you filed this claim on May 30, 2025, they cannot be a subject of this infringement claim.

New infringing acts would open a new three-year window for raising a claim, because a new statute of limitations period starts for each new incident of infringement; however, your claim does not clearly indicate when each of the more recent allegedly infringing reissues and redeliveries occurred, or when you first learned of them. You do not clearly describe any infringing acts that occurred, or that you learned about, in the three years before you filed the claim. If you file an amended claim, to enable the Board to evaluate the nature of your claim, include a clear statement of facts about some infringing use of each allegedly infringed work that occurred during, or that you did not discover (and reasonably should not have discovered) until, the three-year period before you filed this claim on May 30, 2025.

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.

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