



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0030
May 19, 2023

World Media Alliance Label inc

CLAIMANT

v.

Apple Inc.

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

On March 10, 2023, the Copyright Claims Board (Board) issued a noncompliance order (Order), which stated that the claim filed in this proceeding did not comply with the requirements of the CASE Act and related regulations, and provided instructions about how to submit an amended claim using the standard form. The Order gave notice that the Board would dismiss your claim unless you filed an amended claim by April 10, 2023. Instead of amending the claim using the Board's standardized form, on the due date you submitted four documents that were labeled as "Response to Amend Noncompliant Claim" (Response Documents). Because you are proceeding *pro se* (without an attorney) and to provide you further opportunity for resolution on the merits, the Board will treat your Response Documents as a timely amendment that supplements the original claim, and will consider those filings together as an amended claim. However, the Board finds that your claim, as amended, still does not fully comply with the Order.

If you wish to proceed with this claim, you must file a second amended claim by **June 20, 2023**. 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.

Improper Pleading Form

Claims are submitted in the Board through a standardized form, available on eCCB, where claimants must enter all relevant allegations. [37 C.F.R. § 222.2\(a\)\(1\)](#). Allegations in support of the claim must be made through the standard form. [37 C.F.R. § 222.5\(a\)](#). The claim cannot move forward unless it is properly amended following the

instructions at the end of this order. If you file a second amended claim that does not use the Board's standardized claim form without good cause, it will be found noncompliant.

Infringing Activity

You have not provided enough information to support an infringement claim against Apple. As explained in the Order, your allegations indicate that Apple is an online service provider (OSP) that may be eligible for one of the "safe harbors" in section 512 of the Copyright Act, and you do not provide information supporting your allegations that after you sent a takedown notice to Apple, it failed to expeditiously remove or disable access to the material you identified as infringing. Without more specifics, those bare allegations do not provide sufficient details for the respondent to understand what its allegedly infringing acts were. Conclusory allegations that only recite the requirements for a claim without any detail are not enough to show that you have a claim against YouTube.

If you submit a second amended claim, you must include more details about the takedown notice to support your claim, such as whether Apple responded to your takedown notice, and if so, when, what Apple said in response, and details about any communications that followed. Alternatively, when you submit the second amended claim, you may include copies of your communications with Apple about this claim as supplemental documents, if they are sufficient to show that your takedown notice complied with section 512 and that Apple did not take action in a timely manner. While one of your Response Documents (Case Document # 6) appears to be a copy of a takedown notice addressed to YouTube and Apple dated December 12, 2022, you have not submitted documents or information that show or describe how Apple responded. If you include copies of such correspondence as supplemental documents, they must be clearly labeled and identified.

Access

You have not provided, in either the original claim or in the Response Documents that you filed, enough information about how the person or entity who uploaded the allegedly infringing work to Apple (the uploader) had access to the allegedly infringed work beforehand. "Access" means a reasonable opportunity to hear the allegedly infringed work before the alleged infringement took place. One of the Response Documents (Case Document # 6) seems to indicate where the allegedly *infringing* work appears on iTunes and on YouTube, but it does not appear to describe any place that the allegedly *infringed* work was available before the allegedly infringing use.

You appear to contend that Apple failed to take down infringing material that the uploader posted. To support that contention, your second amended claim must include allegations that make the uploader's access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include that your work (a) was sent directly to the uploader or a close associate of the uploader; (b) was widely disseminated or was available to the public or the uploader; or (c) is so strikingly similar to the uploader's allegedly infringing work that it could not have been created independently.

Substantial Similarity

Your claim, as supplemented by the additional documents you filed on April 10, 2023, still does not include enough facts to describe or show how the works at issue are substantially similar.

In the claim you describe the allegedly infringed work as a sound recording authored by Andrey Razin titled “Bielie Rozi.” In one of the Response Documents (Case Document # 6), you appear to suggest that the infringing work is an unauthorized remix. However, you have not identified any portion or element of the allegedly infringing work that is substantially similar to expressive material in the Andrey Razin work. In addition, you appear to have submitted a copy of the original work among the Response Documents, but not a copy of the allegedly infringing work. As a result, you still have not provided enough information for the respondent to understand the claim and respond to it.

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 in your second amended claim, including a clear, detailed statement regarding which portions of your work were taken in the allegedly infringing work, or documents that are sufficient to show the similarities.

In part because hyperlinks can lead to material that is restricted or no longer available online, the Board will not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental documentation. Please attach any supplemental documents that you want the Board to consider by uploading them as part of the claim rather than referring to them only with hyperlinks. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other. More information about adding supplemental documentation is available at page 16 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Final Amendment

Your Response Documents address some, but not all, of the compliance issues raised in the Board’s March 10, 2023 Order. **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 Attorney