



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0121  
April 25, 2024

Hossein Youthefi and Youth Records

CLAIMANTS

v.

Hossein Yousefi

RESPONDENT

## ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **May 28, 2024**. 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. For example, the name you entered for the respondent is almost identical to the name of one of the claimants, and if the respondent's name is incorrect, you should correct it in the amended claim.

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 – Elements

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, and
4. The respondent's work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough clear facts to identify the allegedly infringed work at issue and support the elements related to Youth Records' ownership rights, the respondent's access to the work, and substantial similarity,

as discussed below. If you file an amended claim, it must include enough details about those elements for the Board and the respondent to understand the facts of the alleged infringement.

### **Allegedly Infringed Work**

An infringement claim must include the title of each work at issue in the claim. 37 C.F.R. § 222.2(c)(7)(2)(A). In the “Works infringed” section of the claim, you identify the allegedly infringed works as musical works, titled “DJ Youthefi Albums,” which you describe as “[t]he musical works of DJ Youthefi.” That is not specific enough. You list 1-13577649281 as the service request number for a pending application to register the copyright. That application seeks registration for three works titled “Drop,” “Drop – VIP Mix,” and “Drop – Dub Mix,” published on the album “Drop.” It is not clear which of those works in particular you claim was infringed. If you file an amended claim, the “Works infringed” section must include the title of each allegedly infringed work.

### **Legal or Beneficial Ownership**

To bring an 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. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook. 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 exclusive rights at issue.

It is not clear that Youth Records is a proper claimant for this claim. The 1-13577649281 application lists Hossein Youthefi as the author of the works and as the sole copyright claimant (owner). While the application lists Youth Records as Hossein Youthefi’s company and as the label for the “Drop” album, it does not name Youth Records as an author of the works or indicate that it is a legal or beneficial owner of the copyright.

To address this issue in an amended claim, you must include allegations that indicate how Youth Records is a legal or beneficial owner of the copyright for the allegedly infringed work. Alternatively, if Youth Records is not a legal or beneficial owner, then any amended claim must remove it as a claimant.

In addition, the address listed for Youth Records in the claim does not appear in the application for registration. If you keep Youth Records as a claimant in an amended claim, please confirm that its address is correct.

### **Access**

Your claim does not provide facts about how the respondent had access to the allegedly infringed work. “Access” means a reasonable opportunity to view or copy the work before the alleged infringement took place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was

sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent's work that they could not have been created independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. Your claim does not include copies of the works. You provide YouTube and Spotify links in the "Where the allegedly infringing acts occurred" section of the claim, but when reviewing claims, the Board will not take into account material that is solely referred to in hyperlinks and not uploaded as supplemental documents, in part because hyperlinks can lead to material that is no longer available online. If you include copies of the works as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

### **Substantial Similarity**

Your claim also does not include enough facts that explain the similarities between your work and the allegedly infringing works. If it is not readily apparent from supplemental documents submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing works are substantially similar.

Your claim does not provide enough information describing or showing your works or the allegedly infringing works. In the "Describe the infringement" section, you state only, "These songs name as Jump and Clap are using our melodies, drum rhythm and arrange by changing the sound or a little pitch and tempo." Those allegations are not clear enough to state or show how the works are identical or substantially similar. In addition, you have not provided copies of the works as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

If you submit an amended claim, it must include more factual allegations or information that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your works were taken by the respondent in the allegedly infringing works, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

### **Online Service Providers**

In the "Respondent" section, your claim lists only "Hossein Youssefi" as a respondent, but several allegations mistakenly refer to YouTube and Spotify as respondents too. In the section concerning online service providers (OSPs), you answer "Yes" to the questions, "Are any of the respondents online service providers?" and "Did you send the online service provider a 'takedown notice' as required by Section 512 of the Copyright Act?"; and you list YouTube and Spotify in the "Respondent name or organization" field. In the "Description of harm suffered and relief sought" section, you state, "the respondent online services have reinstated the illegal contents," apparently referring to YouTube and Spotify. Those inconsistent allegations must be corrected in an amended claim.

Special rules apply to infringement claims brought against OSPs, which provide online services to store (and make available), refer to, provide access to, or link to material that is available online. OSPs include content-sharing websites and internet search engines, among other services. You have not stated allegations that indicate that the named respondent is an OSP.

Your allegations also do not indicate that YouTube and Spotify would be proper respondents. “Safe harbors” in section 512 shield certain OSPs from paying damages for copyright infringement claims if, among other things, they take steps to quickly remove or disable access to allegedly infringing material when the copyright owner sends them a proper takedown notice; and if they restore that material ten to fourteen business days after the uploader sends them a proper counter-notice seeking reinstatement—unless the copyright owner files an infringement claim, in court or before the Board, and notifies the OSP of the claim *before* the OSP reinstates that material. 17 U.S.C. §§ 512(g)(2) & 1507(d). To bring an infringement claim against an OSP that is otherwise eligible for the safe harbor, you must state facts that indicate it did not follow these procedures. *Id.* § 1506(f)(1)(C). If YouTube and Spotify promptly removed the allegedly infringing material when they received your takedown notices, and reinstated it before you brought this claim based on counter-notices from the uploader, they would not be proper respondents.

If you file an amended claim, use the term “respondents” only to refer to people and entities listed in the “Respondent” section. If no named respondent is an OSP, your answer to the question “Are any of the respondents online service providers?” must be “No.”

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](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 Attorney