



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0327

November 7, 2024

Anthony T. Davis

CLAIMANT

v.

Universal Music Group

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 **December 9, 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. 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, meaning a reasonable opportunity to view your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your infringement claim does not provide enough facts or clarity about the elements of the claim related to the respondent’s infringing activity, access to your work, and substantial similarity, as discussed below. If you file an amended claim, please provide more details and background regarding those elements.

Infringing Activity – Clarity

You allege that respondent Universal Music Group (UMG) used your sound recording titled “Pretty Tony GetBuck” without your permission. You indicate that the infringing use occurred on two recordings by UMG artists 8Ball and MJG: “Get bucked – suave house,” released in 1998, and “Ten toes down FT Lil Boosie” (“Ten toes down”), released in 2010. In an invoice filed with the claim as a supplemental document, you indicate that 8Ball and MJG’s 1998 recording “The Lost Album” included an uncleared sample of “Pretty Tony GetBuck.” However, that invoice does not describe the allegedly infringing 2010 recording. In the “Where the allegedly infringing acts occurred” section of the claim, you state that infringement occurred in “Ten toes down” at the 1:03 mark, but you do not indicate how “Pretty Tony GetBuck” was used in “Ten toes down,” for example, by sampling or interpolating your recording.

To address this issue in an amended claim, provide more details about the nature of the alleged infringement in “Ten toes down.” Information on ways that existing sound recordings may be incorporated into new works is available in [Sampling, Interpolations, Beat Stores and More: An Introduction to Musicians Using Preexisting Music](#).

Access

Your claim does not provide clear facts about how the respondent had access to your work. “Access” means a reasonable opportunity to hear or review your work before the alleged infringement took place. In your claim, you state that you grew up with 8Ball and MJG, “hung out at the same studio and drove them to the studio,” and “they were fans of my music as youth.” However, you do not describe how they or UMG had access to “Pretty Tony GetBuck.”

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 works that the respondent could not have created them independently. Alternatively, you can upload copies of your work and the allegedly infringing works if those copies demonstrate that the works are so strikingly similar that they could not have been created independently. 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.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the allegedly infringing work “Ten toes down.” If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and “Ten toes down” are similar. As discussed above, you state that infringement occurred in “Ten toes down” at the 1:03 mark, but you do not provide detailed information describing “Pretty Tony GetBuck” or how it was used in the allegedly infringing work.

If you file an amended claim, you must state or show how the works are substantially similar. Include more factual allegations 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 work was taken by the respondent in “Ten toes down,” or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

Relief Sought

You are seeking a larger damages award than the Board can grant. The most that respondents can be ordered to pay in damages in a Board proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). Information about the available forms of relief can be found in the [Damages](#) chapter of the CCB Handbook, and on pages 6-7 of the [Starting an Infringement Claim](#) chapter. In the “Description of harm suffered and relief sought” section of the claim, you state that you are seeking \$3,901,898.66. The invoice filed with the claim asserts that the total balance due is \$7,902,594.56: \$3,555,888 for “copyright infringement damages,” \$3,000,000 for “music royalties,” \$500,000 for “writer, vocals fee,” plus \$846,706.56 as a 12% tax. All of those amounts are much more than the Board can award.

You are not required to request damages at all in a Board proceeding, and if you request damages in an amended claim, you are not required to state a specific amount requested. However, if you give a specific dollar figure for damages in your amended claim, you must limit that request to an amount the Board can grant.

You also appear to be seeking relief not only from UMG but also from 8Ball and MJG, who are not parties to this proceeding. In the “Description of harm suffered and relief sought” section, you state that you are “requesting \$3,901,898.66 from [UMG] allowing the copyright infringement to happen *and* 8ball and mjpg for doing the criminal of copyright infringement and plagiarism.” (Emphasis added.) The invoice filed with the claim also appears to be addressed not only to UMG but also to 8Ball and MJG because it lists their given names in the “Bill To” section, which suggests that you are seeking relief from each of them.

However, you have named only UMG as a respondent. The Board cannot order a non-party to provide any relief awarded. If you submit an amended claim seeking relief from 8Ball and MJG, you must add them as respondents, and include their names and mailing addresses in the “Respondent” section. 37 C.F.R. § 222.2(c)(5)-(6). If you do not name 8Ball and MJG as respondents, do not state that you are seeking relief from them in the “Description of harm suffered and relief sought” section of your amended claim.

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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