



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0085

March 7, 2025

Caldwell Myrick, Jr

CLAIMANT

v.

David Ali and Chris Garcia

RESPONDENTS

## 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 **April 8, 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.

### **Allegedly Infringing Activity**

Your copyright infringement claim does not present enough facts to clearly state how each respondent used your exclusive rights in the allegedly infringed work, which is a sound recording titled “It Be’s That Way.”

Copyright law grants 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. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

You allege that your sound recording was used to create a rap song titled “Let’s Go to New Orleans” that was featured on an album titled “Keep Going” and has appeared online through more than twenty-five digital service providers. However, your claim does not identify what each respondent did in relation to the sound recording that would amount to infringement. You refer to the allegedly infringing work “Let’s Go to New Orleans” as “their song” and “their release” without stating what each respondent did in relation to that work. If you file an amended claim, it must include enough facts about how each respondent is responsible for the alleged infringement. For

example, if the respondents were performing artists, producers, or record label personnel behind “Let’s Go to New Orleans,” you may state or describe how each of them participated in infringing activity.

Your claim is also unclear because at some points it seems to describe infringing use of a musical composition rather than a sound recording. Information about those two different kinds of copyright works is available in [Circular 56A: Copyright Registration of Musical Compositions and Sound Recordings](#) and in [What Musicians Should Know about Copyright](#). For example, when you allege that “[m]y original song which I also sung is being used as the background music for the entire recording,” it is not clear if you mean that “Let’s Go to New Orleans” includes a sample of your “It Be’s That Way” recording, or that it included a performance of the “It Be’s That Way” musical composition, or both. If you file an amended claim, please include a more detailed description about how you claim your sound recording and/or your musical composition was used by the respondents, including what part of each work was used.

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.

