



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0067  
April 18, 2023

Buy From Sammy

CLAIMANT

v.

Stella R AllDay

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.

On March 8, 2023, you filed a request for leave to amend the claim (the “Request”) to designate YouTube as the respondent. Several other issues identified below make the claim noncompliant, and it will be most efficient for you to address all issues with the claim at once. Therefore, your request to amend the claim, solely in order to name YouTube as the respondent, is denied as moot. Instead, if you wish to proceed with this claim, you must file an amended claim that resolves each issue identified below by **May 18, 2023**. [37 C.F.R. § 224.1\(c\)\(2\)](#). 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).

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. You may also choose to correct or edit any errors or other information in your claim.

### Proper Claimant

Your claim provides unclear information about the claimant Buy From Sammy’s status as a legal or beneficial owner of the allegedly infringed work. 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. 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.

The claim does not support a conclusion that Buy From Sammy is the legal or beneficial owner of the works mentioned in the claim. Copyright Office registration records for “HU\$H Money” and “Shattered Windows” list an individual, Dionne Lang, as the copyright owner and, under the pseudonym Stella Rose, the author of both works. The Request indicates that Dionne Lang is the “sole proprietor” of Buy From Sammy LLC. However, the law considers LLCs to be separate legal entities from the individuals who own them.

In order to maintain Buy From Sammy’s infringement claim over those works, you must file an amended claim that includes specific allegations that show how Buy From Sammy obtained ownership of the copyright for those two works, or has an exclusive license to use, the exclusive rights at issue. An example of a transfer would be, if Dionne Lang exclusively licensed the works (or the exclusive rights at issue) to the named entity, then that entity would be an appropriate claimant and the amended claim should state that the works were exclusively licensed to Buy From Sammy.

Further, a review of Copyright Office records shows a pending application to register the copyright for a work titled “#StellaRoseAllDay” with Buy From Sammy LLC as the author of a “work made for hire” under the Stella Rose pseudonym. However, the Copyright Office will not register a work made for hire under a pseudonym. See [Circular 32: Pseudonyms](#). In order to maintain Buy From Sammy as a claimant to allege infringement of “#StellaRoseAllDay,” an amended claim must be filed that alleges facts that show that Buy From Sammy is a valid legal or beneficial owner of that copyright.

Alternatively, if Stella Rose, Stella R AllDay, or Dionne Lang is the copyright owner of any allegedly infringed works, and has not given Buy From Sammy exclusive rights to those works or assigned the rights to that entity, then the amended claim should replace Buy From Sammy with Stella Rose, Stella R AllDay, or Dionne Lang as a claimant to allege infringement of those works. If the information in the claim identifying the owner or the author of any work is inaccurate, you may correct that information in an amended claim. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

### **Clarity – Participants and Contact Information**

In your claim, you list Stella R AllDay as both the claimant’s authorized representative and as the respondent, which is not plausible. You also provide the same phone number, address, and email address for all participants—the claimant, its authorized representative, and the respondent—which also is not plausible. To address this issue, if you file an amended claim, it must correctly name the claimant, any authorized representative, and the respondent, provide their mailing addresses; and include the phone number and email address of the claimant, or of the claimant’s designated representative. 37 C.F.R. § 222.2(c)(2)-(6).

If you intend to list YouTube as the respondent, you should be aware that it has designated a service agent, listed in the [CCB Designated Service Agent Directory](#), to accept service of claims brought before the Board. If you file an amended claim against YouTube, and the Board finds your amended claim compliant and authorizes service, you will need to have the claim served on the service agent at [the address listed in the directory](#), using the service method specified in the directory. 17 U.S.C. § 1506(g)(5)(A), 37 C.F.R. § 222.5(b)(2).

## Copyright Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). If the Copyright Office has registered the work, the claim must include the registration number and effective date of registration; if it is not yet registered, the claim must include the service request number for a pending application to register the copyright. 37 C.F.R. §§ 221.1(b) & 222.2(c)(7)(ii)(C)-(D).

The “Describe the infringement” section of the claim alleges infringement of three works, stating:

I have written two books: ‘Shattered Windows’ a memoir, and ‘HU\$H Money’ the sequel.

Both are copyrighted I have sent the forms.

The third copyright is #stellaroseallday “FOR HIRE” the copyright office is sending me the paper copy. Dec 2022 is registered. I will send the paper copy as soon as I get it in the mail.

However, the only registration identified in your claim under “Infringement claim: Works infringed” is the claim registered under Registration No. TXu002278129. That registration is for a work entitled “HU\$H Money,” one of the works identified in the passage quoted above. However, the claim states that Registration No. TXu002278129 is for a work entitled “#StellaRoseAllDay.” While “#stellaroseallday” has not been registered, it is the subject of a pending application to register, Service Request No. 1-12231248151, filed on February 10, 2023. You have not provided copyright registration information for “Shattered Windows,” but the Copyright Office issued Registration No. TX0008975415 for a literary work titled “Shattered Windows,” effective May 27, 2021. If you continue to allege infringement of the three works identified above in an amended claim, please include the appropriate registration information, including the correct registration or service request number for each title, under “Infringement claim: Works infringed.”

## Clarity – Allegedly Infringed Works

You have raised a copyright infringement claim before the Board. The claim must clearly identify the title and author of each allegedly infringed work. 37 C.F.R. § 222.2(c)(7)(ii)(A)-(B). It also must provide a brief description of the nature or “type of work” of each allegedly infringed work. 37 C.F.R. § 222.2(c)(7)(ii)(E).

Your claim does not provide enough clear or consistent information about the allegedly infringed work or works. Each allegedly infringed work should be listed in the “Works infringed” section. You list only one work in that section, though you appear to allege infringement of at least two other works elsewhere in the claim. You state that the work is titled “#StellaRoseAllDay” and its author is Stella Rose AllDay. You state that it is a dramatic work, and further describe it as: “Dramatic Work Music or Choreography; Video and Voice.” You state that the copyright was registered effective September 3, 2021, with Registration No. TXu002278129. But the Copyright Office registration with that number and effective date was issued for a work titled “HU\$H Money.” The registration record for “HU\$H Money” identifies Dionne Lang, pseudonym Stella Rose, as the author of “written

text” and copyright claimant. On the other hand, in the “Describe the infringement” section of the claim, you assert that certain videos on YouTube “are infringing on my three copyrights” in “Shattered Windows,” “HU\$H Money,” and “#stellaroseallday ‘FOR HIRE.’” It is not clear whether you are alleging that one work or multiple works are infringed, or which specific works are at issue.

Further, it appears that you are asserting copyright protection for “#StellaRoseAllDay,” a short phrase not protected by copyright, rather than a registered work. You allege: “I copyrighted #Stellaroseallday and for anyone to be able to tag me they must pay me to use that with a license.” However, you also state that “StellaRoseAllDay” is an alias for Stella R AllDay, the claimant’s authorized representative, and the “Works infringed” section lists “Stella Rose AllDay” as the name of the author of the infringed work. Based on your claim as a whole, “#StellaRoseAllDay” appears to be simply a hashtag version of your name or alias.

Generally, the copyright for a work that includes a name or other short phrase, with or without a hashtag, is not a basis to require others to pay to use the same short phrase. Short phrases are not protected by copyright. “The following are examples of works not subject to copyright . . . : Words and short phrases such as names, titles, and slogans[.]” 37 C.F.R. § 202.1(a). “Short phrases tend to be excluded from copyright protection because they do not demonstrate a sufficient amount of creative expression.” *Allen v. Destiny’s Child*, 2009 WL 2178676, \*8 (N.D. Ill. July 21, 2009). More information about copyright law related to names and short phrases is available in Section 313.4(C) of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition* and in [Circular 33: Works Not Protected By Copyright](#).

Because the number and the nature of the allegedly infringed works is unclear, your claim does not provide the respondent enough information to understand and respond to it. If you file an amended claim, the “Works infringed” section must include and clearly identify each allegedly infringed work, listing its author and title, and providing a brief description of the work.

### **Infringing Activity**

Your claim does not present enough facts to clearly state how the intended respondent, YouTube, engaged in any infringing activity. The “Describe the infringement” section begins with what appears to be the text of a cease-and-desist email message, dated February 12, 2023, that you sent to an unspecified recipient about third parties who, you allege, used your copyrighted works in videos that they posted on the YouTube website. You filed this claim on February 14, 2023. It is not clear from your allegations that the Board could hold YouTube liable for the third-party activity alleged. You do not offer enough detail about YouTube using your work in a way that would infringe any exclusive rights.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, publicly display, 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.

As discussed above, “Shattered Windows” is registered as a non-dramatic literary work, while “HU\$H Money” is registered as a dramatic work, and the claim describes “#StellaRoseAllDay” as a dramatic work. You allege that third parties, without “paying me to use my copyright,” used those works in certain YouTube videos (“The following three videos are all infringing on my three copyrights”), but your claim does not describe or show how the works were used. If you file an amended claim, it must include clear allegations about how the videos infringed on your exclusive rights. For example, if you contend that passages from your works are performed or displayed in the YouTube videos, then the “Describe the infringement” in your amended claim must include allegations describing those performances or displays. You must include allegations that describe acts of infringement for each allegedly infringed work.

In addition, if you amend your claim to name YouTube as the respondent as indicated in your Request, you must also include allegations that support holding YouTube liable for those third-party videos. In your responses to questions on the claim form, you allege that the respondent is an online service provider (“OSP”), that your infringement claim is “due to their storage of or referral to infringing material posted by others,” and that you sent the respondent a takedown notice to take down third-party material as required by section 512 of the Copyright Act, but that it did not “expeditiously remove or disable access” to that material. OSPs include content-sharing websites and internet search engines, among other services. If you intended those responses to describe YouTube, you must provide more information in your amended claim to support those responses.

“Safe harbors” in section 512 shield certain OSPs from being responsible for damages, if any, resulting from copyright infringement claims provided, among other things, the OSPs take steps to quickly remove or disable access to infringing material when a copyright owner notifies them about the infringement through a proper takedown notice. To avoid liability, OSPs must follow procedures specified in section 512 when they receive takedown notices alleging infringement, and counter-notices seeking the re-posting of the allegedly infringing material. An infringement claim against an OSP that is eligible for a section 512 safe harbor must state facts that demonstrate that the respondent did not follow those procedures.

Your infringement claim does not provide enough information about YouTube’s activities to overcome the section 512 safe harbors. Your claim does not show a basis for raising a claim against YouTube for acts infringing your copyright. Your allegations describe infringing activity by third parties, not listed as respondents to the claim, who used YouTube to post videos. By contrast, you do not describe any activity where YouTube used your work in a way that would violate any of your exclusive rights. Contentions that third parties used YouTube to commit infringement, without more, would not make YouTube liable for infringement.

Specifically, you do not provide information that clearly supports your claim form responses stating that you sent a takedown notice to YouTube, and that it failed to expeditiously remove or disable access to infringing material upon receiving notice of infringement. Without more specifics, your responses do not provide sufficient details for the respondent to understand what its allegedly infringing acts were.

Allegations in the “Describe the infringement” section of your claim seem to suggest that you reported the alleged infringing acts to YouTube on or about February 12, 2023, and that a lawyer for one of the third parties responded and claimed that the use was a fair use. You allege, “YouTube refused to back me up with my copyrights ... All they did was give me the run around with a bunch of dead end go start from scratch and fill out another privacy form.” A screenshot included in your Request appears to depict certain “Removal Requests” related to the third-party uses alleged in your claim, but you do not provides enough information about when the takedown notices were issued, what alleged infringements were at issue in each incident, and what resulted.

Other allegations in your filings appear to describe YouTube acting in compliance with the “safe harbor” requirements in section 512. Your Request asserts, “YouTube is removing some of the content but is still not removing all the photos and personal information that they are posting about me online.” That assertion indicates that YouTube took down content at your request, but has not taken down certain photos and personal information posted about you by third parties. However, your claim does not identify any photograph that was part of the allegedly infringed works, and factual information (like personal information about you) is not protected by copyright. 17 U.S.C. § 102(b); see [Circular 33: Works Not Protected By Copyright](#). As a result, this assertion in the Request does not indicate that YouTube facilitated or contributed to any copyright-infringing activity once notified of your allegations of infringement.

You filed this claim on February 14, 2023, two days after it appears that you may have informed YouTube about the alleged infringing activity. That appears consistent with the contention in the Request that, after you reported one video for “[d]oxing my full name,” “YouTube responded back they will give them 48 hours to remove the content . . . That’s another 48 hours of my information being exposed.” If in fact you sent a takedown notice to YouTube, and it contacted the third-party user who posted the allegedly infringing material and prompted a response from the user’s lawyer within two days, then its response was likely “expeditious” under section 512. “Courts have determined that response times to remove infringing material from entities’ websites or systems ranging from 5 to 14 days are expeditious.” *Kinsley v. Udemy, Inc.*, 2021 WL 1222489, \*5 (N.D. Cal. Mar. 31, 2021) (finding “no genuine dispute” that removing material within three days after receiving complaint was expeditious), *affirmed*, No. 21-15787, 2022 WL 10966073, \*1 (9th Cir. Oct. 19, 2022) (memorandum opinion). To maintain an infringement claim against YouTube over that incident, you would need to provide additional allegations that would support a finding that taking two days to respond to a takedown notice was not “expeditious” in this case.

A screenshot in the Request appears to show that you made several takedown requests about different allegedly infringing videos. If you file an amended claim against YouTube, please include enough information about each allegedly infringing video at issue to explain or show, for each takedown notice at issue, when you sent the notice; which of your works was used in the video, and how the works were used; and whether and when YouTube removed or disabled access to the video. Please visit the [section 512 page](#) and the discussion at pages 18-19 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information about what is required for an infringement claim against an OSP protected by a section 512 safe harbor.

## Access

Your claim does not provide facts about how the third-party YouTube users had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place.

The “Describe the infringement” section of your claim alleges that certain YouTube videos are “infringing on my three copyrights,” without describing any specific content from your works that appear in any videos. Because your claim does not explain or state facts that indicate how the YouTube users had any access to the allegedly infringed works, it also does not indicate that YouTube itself had access to the works. To the extent that your claim contends that YouTube is an infringer as an OSP that failed to take down infringing videos, it is unclear how the allegations in your claim show that the users who posted your videos had access to your work in the first place.

Please provide more details and background regarding this element in your amended claim. 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 that your works (a) were sent directly to the YouTube posters, or to a close associate of those posters; (b) were widely disseminated or were available to the public or the YouTube posters; or (c) are so strikingly similar to the videos that the YouTube posters could not have created them independently.

## Substantial Similarity

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

You do not provide clear information describing or showing your allegedly infringed works, as discussed above. No allegations in the “Describe the infringement” field of the claim describe your works or the allegedly infringing content in the videos, or state or show how they are identical or substantially similar. Your descriptions of the videos instead focus on allegations that their contents are defamatory or harassing, without showing that the content is infringing. In addition, your claim does not provide copies of your works, or the allegedly infringing videos, 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, include more specific allegations that support the element of substantial similarity, for example, by identifying particular scenes and details in the allegedly infringing videos that are similar to copyrightable expression in your works, and describing how they are similar. A valid copyright only extends to copyrightable subject matter, and copyright law only protects the components of a work that are original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Copyright law does not protect facts or ideas. *Harper & Row, Publishers v. Nation Enterprises*, 471 U.S. 539, 546 (1985) (citing 17 U.S.C. § 102(b)); *see also* Compendium Section 313.3(A). It only protects original elements of expression. The allegedly infringing works must be substantially similar to copyright-protected elements in the allegedly infringed works. Your description should help



the respondent and the Board understand the similarities you see between the allegedly infringing videos and the protectable aspects of your works.

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 supplementary 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