



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0110

June 14, 2024

IRIS PROPERTIES, INC

CLAIMANT

v.

WARNER RECORDS

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **June 15, 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. 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.

Copyright Infringement—Legal or Beneficial Ownership

Your claim provides conflicting facts about the claimant'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.

The claim does not present facts that indicate that Iris Properties, Inc. is a proper claimant. In your claim, you have listed two registration numbers that correspond to the musical composition and sound recording for “LOVE IS JUST A WORD” by John E Giffith. However, Iris Properties is not listed as a co-author or owner on the

registration, and it remains unclear how ownership was transferred to Iris Properties. 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 issues with each registration are discussed below.

Love is Just a Word (SR0000861898)

As noted in the Board's April 25, 2024, Order to Amend Noncompliant Claim, the registration highlighted in "[Exhibit C](#)" and in the "Works infringed" section of the claim appears to be a collective work that contains "Love is Just a Word." A collective work is a compilation in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole. A registration for a collective work covers the copyrightable authorship in the selection, coordination, or arrangement of the work, and does not necessarily cover the individual works themselves. A registration for a collective work may cover the individual works contained in it if (1) the collective work and the individual works are owned by the same party, (2) the individual works have not been previously published or previously registered, and (3) the individual works are not in the public domain. Here, the registration for Geneva Record Story would only cover the selection, coordination, or arrangement of "Geneva Records Story" because "Love is Just a Word" was previously published and registered. If you are alleging infringement of "Geneva Records Story," you will need to include additional facts in your amended claim about how the collective work, not just "Love is Just a Word" was infringed by the respondents.

Love is Just a Word (EU00000383917)

In your amended claim you have included additional supplementary material indicating a relationship between co-author Ernest Kelly and Iris Properties. A letter dated January 15, 1992, it states that "[t]his is to affirm our joint ownership, right, title, and interest, both legal and equitable in certain properties... including the copyrights therein." However, the letter further states that "any such assigns shall only be those companies or assigns wholly owned and/or controlled by each of us respectively or Iris *as a collection agent*" (emphasis added). Thus, it is still unclear how or if Iris owns any copyright rights to this particular work.

To correct this issue, your amended claim must include specific allegations and explanation about how the claimant owns, or has an exclusive license or the rights at issue for "Love is Just a Word." You can do this either by adding facts to the "Describe the infringement" section explaining the documentation included in the [supplemental document](#) or otherwise explaining how the claimant was the owner of exclusive rights in the work at the time of the infringement or by submitting additional supplemental documents.

Final Amendment

Your amended claim resolved none of the compliance issues raised in the April 25, 2024, Order to Amend Noncompliant Claim. **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