



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0124  
May 9, 2023

chad J carriker

CLAIMANT

v.

UMG Recordings, Inc.

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 **June 8, 2023**. 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 Claim – Registration and Legal and Beneficial Ownership

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). Further, the claimant must also 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 present facts that indicate that you are a proper claimant for the work and registration listed in this claim.

In your claim, you state that your work has been registered by the Copyright Office, and you provide “PA-89-

745” as the registration number. However, that is not a valid number for a Copyright Office registration for the work “Man in a Suitcase.” The registration number corresponds to another work “De do do do de da da da” Copyright Office records indicate that this work was authored by Sting and owned by Virgin Music (Publishers) Ltd. A Board search of Copyright Office records did not show a valid registration number in your name regarding “Man in a Suitcase.” A work with that title appears to be registered as “PA0000089746” and lists Sting as the author and Virgin Music (Publishers) Ltd. as the owner. The Board’s search did reveal that you recorded a document with the Copyright Office (“V3391P129”) in 1997 regarding “Man in a Suitcase” listing PA 89-745 as the registration number at issue, but the Board has not reviewed that document. The Board cannot use the recordation document to fulfill the registration requirement. Therefore, your claim does not list a valid registration number and includes unclear statements about your status as a legal or beneficial owner of the work.

To address these issues, you must first include a valid registration number for the work or a valid service request number for a pending application to register the work. Either the registrations must have been issued or the applications including the required deposits, and registration filing fees must have been delivered to the Copyright Office before you filed your claim on April 1, 2023. If your work was neither registered nor subject to a pending application at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim as a new claim. For more information on registration, please refer to the [Copyright Office Registration Portal](#).

Second, your amended claim must include specific allegations about how you own, or have an exclusive license to use, the exclusive rights at issue. You can do this either by adding facts to the “Describe the infringement” section explaining how you were the owner of exclusive rights in the work at the time of the infringement or by submitting supplemental documents. For example, you may describe the relationship among yourself, Sting and Virgin Music (Publishers) Ltd. or detail how you obtained legal or beneficial ownership of the copyright at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Because you have filed a copyright infringement claim that does not appear to be based on a work covered by a registration or pending application for registration, we have not reviewed the remainder of your copyright infringement claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the registration issue, the Board will engage in a full compliance review, so you should review the CCB Handbook and make sure the rest of your amended claim is compliant.

### **Misrepresentation Claim – No misrepresentation**

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under Section 512(f) of the Copyright Act. Your claim must make enough factual allegations to support each “element” of the claim. That kind of misrepresentation has a very specific meaning under copyright law, which involves false

statements made to an online service provider related to a copyright-protected work posted online. The elements of a misrepresentation claim are that:

1. The respondent sent an online service provider either
  - a. a takedown notice claiming online content or activity was infringing, or
  - b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider's decision to take down or repost the content,
5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). To violate section 512(f), a statement must misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)(2).

Your claim does not identify or describe any misrepresentation in connection with a takedown notice or counter-notice to an online service provider. As an initial matter, you allege only that *you* (rather than the respondent), sent a takedown notice and that you sent it to the respondent rather than to an online service provider. You do not describe the notice. You describe a misrepresentation (“The Band The Police said that they were the only authors when I wrote the lyrics and musical arraignment entirely and solely”) that does not appear to have been made in the takedown notice that you identify. You make no allegations that an online service provider relied on any misrepresentations in the notice or made a decision to take down or repost the content. If you submit an amended claim for misrepresentation, you must state facts in support of each element of the claim. The amended claim should identify a takedown notice or a counter-notice sent by the respondent to the online service provider. You must also identify a false or incorrect statement of fact made in the notice and show or explain why the statement was false or incorrect. You must describe some harm you incurred as a result of the service provider relying upon the misrepresentation in removing or disabling access to the material or activity claimed to be infringing, or in replacing the removed material or ceasing to disable access to it.

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