



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0133

United States Copyright Claims Board

Leslie M. Fradkin and RRO Entertainment LLC

CLAIMANTS

v.

Spirit Music Group, Universal Music Group, Julie A. Schwartz,
EMI / Capitol Records, and Shami Media Group

RESPONDENTS

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **December 7, 2022**. 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 extra filing fee for a second amended claim. If you amend your 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 a second amended claim. 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 – Infringing Activity

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, and
4. The respondent’s work is identical or substantially similar to the original elements of expression in your work.

Your amended claim does not present enough facts to clearly state how each respondent used any of your exclusive rights in the allegedly infringed works without permission. The amended claim alleges infringement of a sound recording and musical composition entitled “Where Have All the Heroes Gone?” You allege that “a demo not intended for public release” was “stolen from the claimant,” by Laurie Records, “and released without the claimants knowledge and without a record contract with the claimant.” You allege that the infringing acts commenced in 1973 at the office of Laurie Productions and through eBay sales online, and that you did not discover the infringement until earlier this year.

Your amended claim against Julie Schwartz does not clearly state her relationship to Laurie Records or describe her participation in the alleged infringing activity. You allege, “Where Have All The Heroes Gone?” was released without a recording contract with Laurie Records (Respondent Julie Ann Schwartz) for Recording Artist Leslie Fradkin PKA ‘The Global Gonks’.” Your amended claim against the other respondents does not clearly describe any role that they played in the alleged infringing activity. You allege that, apparently after the allegedly infringing 1973 release, “Copyright on Composition subsequently sold to Respondent Spirit Music Group. SR subsequently sold to Respondents EMI/Capitol, then UMG, and Shami Music Group. respectively.” It is not clear whether you contend that any of the respondents directly participated in the allegedly infringing 1973 release, or any more recent infringing activity, or whether you seek to hold them liable as successors to the entities behind the 1973 release.

If you submit an amended claim, you must more fully explain how each respondent infringed your allegedly infringed works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how each respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what each respondent did in relation to the works you allege were infringed.

Final Amendment

Your amended claim sufficiently addresses the issues raised in the initial Order to Amend Noncompliant Claim issued on October 12, 2022, but it raises new compliance issues discussed above. If you file a second amended claim, it must state enough facts in support of the claim alleged to move forward. **This is your third and final opportunity to submit a compliant claim in this proceeding. If you raise any claims that your allegations do not support, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B). In the alternative, you can delete any unsupported claim allegations in your second amended claim.

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 supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

November 7, 2022