



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0318

November 1, 2024

Natacha Chossudovsky

CLAIMANT

v.

Microsoft Music Publishing

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **December 2, 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. 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.

Impermissible Claim—Contract Claim

The Board is only authorized to resolve certain types of copyright disputes, including claims of copyright infringement. You appear to present a claim for nonpayment instead. In your claim, you state that “[t]he agreement I made and the contract I signed was for 20% of the writers' royalties.” You further state that “I was also taken off the credits as the performer of the song.” Additionally, you included two supplemental documents titled “BNZA_MakeYourHeadPop_WritersAgreement_V1.pdf” and “BNZA_MakeYourHeadPop_Writers Agreement_Natacha.pdf” which appear to be a contract and a partially executed version of that contract regarding the division of the royalties to be earned from the work at issue in this proceeding.

In the United States, a dispute over an assignment of, or entitlement to, royalties raises purely state-law claims. *Durgom v. Janowiak*, 74 Cal. App. 4th 178, 186 (Cal. Ct. App. 1999); *Golden West Melodies, Inc. v. Capitol Records, Inc.*, 274 Cal. App. 2d 713, 717-18 (Cal. Ct. App. 1969). The Board cannot hear such claims. A claim for nonpayment might be viable in state court, but not before the Board. Please review [Circular 1: Copyright Basics](#) and the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. You should only file an amended claim if you can state facts to support a claim

under copyright law that can be heard by the Board. For more information about what is required to support a claim of infringement, please refer to the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Statute of Limitations

In your claim, you state that you were aware of the allegedly infringing activity in 2014. Your claim cannot proceed based on allegations that show that you knew about all of the alleged infringing activities more than three years ago. If you do not allege any infringing act that occurred or was discovered in the last three years, the claim will be barred by the statute of limitations.

A “statute of limitations” is a time limit set by law for starting a claim. The statute of limitations period for copyright claims, both in federal court and the Board, is three years after the claim “accrues.” 17 U.S.C. §§ 507(b) & 1504(b)(1). A claim for copyright infringement accrues when the infringing act occurs, or when the claimant discovers, or reasonably should have discovered, the infringement. *Starz Entertainment LLC v. MGM Domestic TV Distrib., LLC*, 39 F.4th 1236, 1239-41 (9th Cir. 2022); *Motorola Solutions, Inc. v. Hytera Communications Corp., Ltd.*, 108 F.4th 458, 479 (7th Cir. 2024). A proceeding before the Board cannot be commenced more than three years after the claim accrued. 17 U.S.C. § 1504(b)(1). The Board is not permitted to waive the statute of limitations.

Based on facts you provide in your claim, it appears that you were aware of the respondents’ allegedly infringing use of your musical work approximately 10 years ago. You filed your claim in this proceeding on October 21, 2024. Therefore, it appears that only allegedly infringing acts that took place on or after October 21, 2021, three years before the day that you filed the claim with the Board, would fall within the statute of limitations period.

Because it appears that you had known about the alleged infringing acts for more than three years, they cannot be the subject of this infringement claim unless you can show in an amended claim that your allegations are based on new actions taken by the respondents within three years of your filing your claim. A new infringing act would open a new three-year window for raising a claim, because the statute of limitations period “runs separately for each successive incident of infringement.” *Starz*, 39 F.4th at 1241.

In your claim, you have not alleged any new infringing acts that took place or were discovered in the three years before you filed your claim. If you file an amended claim, it must include facts about some infringing use of your work that occurred during, or that you did not discover (and reasonably should not have discovered) until, the three-year period before you filed the claim on October 21, 2024.

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. 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 Board