



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0100
May 2, 2025

Deonsai Jones

CLAIMANT

v.

Epic 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 2, 2025**. 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.

Respondent Clarity

It is unclear if you have stated a claim against the correct respondent. In your amended claim, you named Epic Records as the respondent. The contact information included in the claim indicates that Epic Records may be a division of Sony Music. Moreover, the records of the New York Secretary of State indicate that Epic Records, Inc. was merged into Sony Corporation of America on March 27, 2019, in which case the correct respondent would be Sony Corporation of America. In the amended claim you state that “Deonsai Jones music is being infringed by music artist signed with Epic Records in affiliation with Sony records, Amazon records/studios, culver studios, and a former employer GSG protective services associated with all listed above.” However, you have not named Sony records or the other entities as respondent. If you choose to amend your claim, you will need to make sure that you name the correct entity as a respondent to the claim.

Copyright Infringement—Elements

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, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your amended claim does not provide enough facts about how the respondent used one of your exclusive rights in the work without permission. how the respondent had access to your work, or how the respondent’s work is substantially similar to the original elements in your work. Please provide more details and background regarding these elements in your amended claim.

Infringing Activity

It is unclear how or if the respondent used or released your sound recording without authorization. In your claim, you state that “[t]he infringement began on 02/17/2022, a few days prior to the original release of the sound recording dated 02/15/2022. The respondents song depicts an exact replica of the lyrics and recording of the original by Deonsai Jones.” However, your claim does not explain how Epic Record (or its artists) copied, distributed, performed, or prepared a derivative work based on your allegedly infringed work. Additionally, as further described below, although both songs reference “Elon Musk,” copyright does not protect names, titles, short phrases or slogans. 37 C.F.R. 202.1

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

If you submit an amended claim, you must more fully explain how the respondent infringed your sound recording. You must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what activities the respondent engaged in relating to the work you allege was infringed.

Access

Your claim does not provide facts about how the respondent had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place. In your claim, you do

not include any information about how the respondent had access to your work.

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 how your work (a) was sent directly to the respondent, a close associate of the respondent, or the “music artist signed with Epic Records”; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

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

Your claim states that your work is song, and your registration includes the sound recording and lyrics. You have included your lyrics, some of the allegedly infringing lyrics and music video themes, and two sound recordings of your work. However, the information you have included with your claim does not show how the copyrightable expression in your work is substantially similar to the copyrightable expression in the respondent’s work. In a supplemental document included with your claim you compare your lyrics with the lyrics of a song by “Mr. Grandberry.” Specifically, you compare your song where you state that “I’m up in the stars like Elon Musk” and Mr. Grandberry’s song in which states “he is going straight to space like Elon Musk.” However, the copyrightable expression you described in the supplemental document is too general for copyright protection and the two lines are not substantially similar in expression. Additionally, you compare your lyrics “I’m riding in a cyber truck apocalypse for the mummies” and Mr. Grandberry’s music video which shows a cyber truck going through a tunnel. Copyright does not protect ideas although it may protect the way ideas are expressed. Additionally, copyright law does not protect names, titles, short phrases or slogans. 37 C.F.R. 202.1. None of the similarities that you identify in the claim appear to relate to similarities in copyrightable expression.

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 a second amended claim, it must include more specific allegations that support the element of substantial similarity. To bring a claim of copyright infringement of a sound recording, the allegedly infringing work must contain actual sounds recorded in the allegedly infringed sound recording. If you include allegations that the infringing activity is the creation of a work based on your sound recording, your amended claim must allege facts that show that the respondent rearranged, remixed, or in other ways reproduced and altered the actual sounds embodied in your sound recording. Please provide more details and background regarding this

element in your amended claim, including a clear, detailed statement regarding which portions of your work were duplicated by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other. More 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.

Final Amendment

Your amended claim resolved none, of the compliance issues raised in the April 4, 2025, 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 Board