



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0394

January 24, 2025

Amir Omar E Ali

CLAIMANT

v.

Eric Kaiser, John Phillips

RESPONDENTS

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 **January 24, 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. 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.

Respondent Clarity

Your allegations are unclear it is not clear if you intended to bring a claim against Select-O-Hits as an entity or John Phillips, Select-O-Hits representative, in his personal capacity.

When you submit an amended claim, you must clarify what activities the respondent, John Phillips, engaged in and whether he was acting on behalf of Select-O-Hits when it engaged in those activities. If you include Select-O-Hits as a respondent in your amended claim, you should clarify the actions taken by Select-O-Hits (unless you replace John Phillips with Select-O-Hits). It appears that Select-O-Hits is a corporation and its legal name is Select-O-Hits, Inc.; see

<https://tnbear.tn.gov/Ecommerce/FilingDetail.aspx?CN=23919516120706000320217111116172008018111045205>. If that is the entity against which you intend to bring a claim, please identify it in the “Respondent” field by its legal name – Select-O-Hits, Inc. Please note that if you include Select-O-Hits as a respondent, your claim must make enough factual allegations to support each “element” of copyright infringement. 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](#).

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 claim does not provide enough facts about how the respondent used your work and how your work and the respondent’s work are substantially similar. Please provide more details and background regarding this element in your amended claim.

Infringing Activity—Clarity

Your claim does not present enough facts to clearly state how *each* respondent used the exclusive rights you have in the allegedly infringed work without permission. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display 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.

In your claim, you refer to a business deal between two parties but you do not state how the respondents were allegedly infringing your work. To address this issue, if you file an amended claim against one or more respondents, it must include specific facts that provide a basis for raising the claim against each respondent personally. You must set forth what each respondent did, without authorization, in relation to the work you allege was infringed and how they are individually liable for the alleged infringement. If you cannot state facts to support an infringement claim against any or all of the named respondents, you must omit them and/or add respondent(s) that you can show are responsible for the alleged infringement in the amended claim.

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 “a completed rap album.” However, you do not provide any information describing or depicting your work. No allegations in the “Describe the infringement” field of the claim describe

your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your work or the allegedly infringed work as supplemental documents. 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 an amended claim, it must include more factual allegations that support the element of substantial similarity. 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 taken 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.

Statute of Limitations

In your claim, you state that the infringement began in 2008 but it is unclear when you discovered the infringement. 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.

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 December 22, 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.

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