



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0119
May 10, 2023

Iosif Mermelshtayn

CLAIMANT

v.

300 Entertainment (Warner Music Group)

RESPONDENT

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 **June 9, 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. 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.

Copyright Registration

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). If the Copyright Office has registered the work, the claim must include the registration number; if it is not yet registered, the claim must include the service request number for a pending application to register the copyright. 37 C.F.R. § 222.2(c)(7)(ii)(C)-(D).

In the “Works infringed” section of your amended claim, you list one allegedly infringed work, titled “Blissful Endings.” You state that the Copyright Office has not registered the work, and you provide 1-12397878651 as the service request number for a pending application for registration. Copyright Office records indicate that the required registration fee was not paid to the Copyright Office before you filed the claim, and still has not been paid.

To address this issue, if you file a second amended claim, you must include a valid registration number for the allegedly infringed work, or a valid service request number for a pending application to register the works. Either the registration must have been issued, or a complete application, including payment of the application fee, must have been delivered to the Copyright Office, before you filed your claim on March 28, 2023.

If your work was neither registered nor subject to a pending application at that time, with the application fee paid, this claim cannot be successfully amended and cannot proceed. Instead, before you could refile your claim as a new claim, you would need to either have a copyright registration, or deliver a complete application for registration, including payment of the fee required to apply to register the copyright, for the allegedly infringed work. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Access

Your amended claim also does not present 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. Your claim does not explain or state facts that indicate how the respondent had any access to the allegedly infringed work.

To address this issue in a second amended claim, or in a new claim filed after fixing the registration issue discussed above, you must include allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include that your work (a) was sent directly to the respondent, or to a close associate of the respondent; (b) was widely disseminated or was available to the public or the respondent; or (c) is so strikingly similar to the respondent’s work that they could not have been created independently.

Final Amendment

The amended claim does not resolve the compliance issue raised in the April 18, 2013 noncompliance order, and raises a further issue, explained above, that also must be resolved for the claim to go forward. **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 Attorney