



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0237

September 9, 2024

Michael Walz

CLAIMANT

v.

3 Rights Management

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 **October 9, 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.

### Proper Respondent

You allege that your sound recording titled “Drake Drake Go Away – Parody Nursery Rhyme,” including your vocal performance to the melody of “Rain Rain Go Away” with altered lyrics, has been infringed on YouTube and TikTok. Your claim does not indicate how the named respondent 3 Rights Management (3 Rights) is responsible for those infringing acts.

You allege that TikTok user “lazlowresolutionnot4k” created an infringing version of your work that alters your performance to make it sound as if Ray William Johnson (Johnson) was singing it, and that Johnson released an allegedly infringing TikTok video in which he reacted to lazlowresolutionnot4k’s version. You allege that Johnson’s video was also distributed on Johnson’s YouTube channel. Supplemental documents filed with the claim indicate that you sent YouTube a [takedown notice](#) on July 25, 2024; that you sent an [email](#) to 3 Rights (which you identify as Johnson’s “team” and as his “representation”) on July 27, 2024; and that 3 Rights sent YouTube a [counter-notice](#) on August 4, 2024, asserting that Johnson’s video was “protected by fair use.”

You refer to Johnson as “the alleged infringer,” but you have not named him as a respondent. While your allegations indicate that Johnson and 3 Rights are related, you do not appear to allege that 3 Rights committed any

infringing acts. Sending YouTube a counter-notice on behalf of Johnson, by itself, would not make 3 Rights liable for any infringement committed by Johnson.

If you file an amended claim, include more specific allegations that state how the named respondent committed or is responsible for the allegedly infringing acts. If 3 Rights is not responsible for infringement but Johnson is, you may name Johnson as the respondent instead of 3 Rights when you file an amended claim. If you keep 3 Rights as a respondent, your amended claim must include facts that indicate why 3 Rights may be responsible for the alleged infringement.

## Relief Requested

In the “Description of harm suffered and relief sought” section of your claim, you include requests for injunctive relief that the Board cannot grant. Specifically, you request: “[a]n order restraining the alleged infringer (Ray William Johnson and associated parties) from further reproducing, distributing, or publicly displaying my work without authorization,” and “[p]revention of any future reinstatement of the infringing content on YouTube or any other platforms.”

The Board cannot grant any relief against non-parties such as YouTube, Johnson, or other “associated parties.” In addition, the Board is only authorized to grant certain kinds of relief against respondents. Unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an “injunction”) *unless* the respondent notifies the Board that, if found liable for infringement, they will stop or modify the activity. If you file an amended claim, do not request any relief that the Board cannot grant.

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](mailto: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