



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0335

November 27, 2024

2 Tight Records LLC

CLAIMANT

v.

Sony Music Publishing

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 an amended claim by **December 27, 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. 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 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 Infringement – Elements

You have raised 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, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your amended claim still does not provide enough clear facts to support the elements of the claim related to the respondent’s use of your work without permission, access to your work, and substantial similarity, as described

below. If you file a second amended claim, it must include enough details about the elements for the Board and the respondent to understand the facts of the alleged infringement.

Infringing Activity – Clarity

Your amended claim does not present enough facts to clearly state how the respondent used your exclusive rights in the allegedly infringed work.

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.

You allege infringement of a work titled “bass in the trunk et al.” In the “Works infringed” section of your claim, you provide Copyright Registration No. SRu001095750 for the work. Copyright Office records state that the registration covers the “sound recording, performance, production, music, [and] lyrics” of the work. The “Describe the infringement” section of your amended claim states: “The Song, ‘Bass in the Trunk,’ on Youtube by performer Chanel West Coast, use of name title and hook (as in part of musical performance) from ‘bass in the trunk, et al.’” A [supplemental document](#) filed with the amended claim indicates that the lyrics of a song by Chanel West Coast titled “Bass in the Trunk” use the phrase “bass in the trunk” repeatedly.

It is not clear if you are alleging that the respondent infringed any other aspects of your work. In particular, it is not clear if your allegation that the Chanel West Coast song used your work’s “hook (as in part of musical performance)” again refers only to the repeated use of the phrase “bass in the trunk” in the lyrics; or if you mean, for example, that the respondent’s work includes a sample from your sound recording, a vocal performance of the “bass in the trunk” phrase that is similar to its performance in your sound recording, or a different vocal or musical hook from your work. A second [document](#) added to the amended claim includes a hyperlink to a YouTube page. However, in part because hyperlinks can lead to material that is no longer available online, the Board will not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental material.

In addition, you allege that the infringement began on January 15, 2015, and your claim does not make clear when you discovered the alleged infringing use. If you file a second amended claim, you should give details regarding how you know the infringement began on January 15, 2015, when you discovered it, and whether the allegedly infringing material is still posted or whether the infringement continues in some other way.

To address this issue, your amended claim must include more clear facts about the alleged infringing acts.

Access

Your copyright was registered in 2012, and you allege that the infringement began in 2015. Your claim does not provide facts that indicate how the respondent had access to your work in the first place. “Access” means a reasonable opportunity to see, hear, or copy your work before the alleged infringement took place.

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 or Chanel West Coast, or a close associate of the respondent or Chanel West Coast; (b) was widely disseminated or available to the respondent or Chanel West Coast; or (c) is so strikingly similar to the allegedly infringing work that Chanel West Coast 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. To present your work and the respondent's work to the Board, you must upload files containing the works and include those files in your second amended claim, not hyperlinks to YouTube or other websites that may host copies of the works. If you include copies of the works at issue as supplemental materials, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your amended claim also does not include enough facts to indicate how the allegedly infringing work is substantially similar to original, expressive elements of your work that copyright protects. To address this issue, if you file a second amended claim, include more information about your work, the allegedly infringing work, and how creative elements of the works are similar.

Copyright protection only extends to the specific creative expression in a work that is original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313.4 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Not all elements of a creative work are protected by copyright. For example, copyright law does not protect ideas or facts. Copyright can only protect the particular way that such things are expressed.

Your claim does not provide enough information describing or showing your work or the allegedly infringing work. Your work includes the phrase “bass in the trunk” in the title, and you indicate that the respondent's song title and lyrics include the same phrase. However, copyright does not protect titles, individual words, or short phrases. 37 C.F.R. § 202.1(a); see *Compendium* Section 313.4(C). You do not state how much of your work the respondent used or identify any portions the respondent used other than the lyrical phrase “bass in the trunk.” You have not identified copyright-protected elements of your work that appear in an infringing work.

Your allegations are not clear enough to state or show how material in the works that copyright protects are substantially similar. In addition, you have not included copies of the works as supplemental materials. As a result, the amended claim does not provide enough information to enable the Board to understand the similarity of the works and evaluate your claim.

If you submit a second 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 second amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or materials that are sufficient to show substantial similarity in material that copyright

protects. If you include copies of the works at issue as supplemental materials, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

Final Amendment

Your amended claim does not resolve the compliance issues raised in the November 13, 2024 Order to Amend Noncompliant Claim. Those issues, also discussed in this order, must be resolved for the claim to move 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 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.