



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0069

February 20, 2025

William L. Spears

CLAIMANT

v.

OVO Sound and Republic Records

RESPONDENTS

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **March 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.

Allegedly Infringed Work

Your claim alleges copyright infringement of a work titled “Wobble.” In the “Works infringed” section of your claim, you provide Copyright Registration No. PA0002444253 for “Wobble,” which you identify as a sound recording. However, Copyright Office records for that registration indicate that the registered work is a musical composition, not a sound recording. Information about those two different kinds of copyright works is available in [Circular 56A: Copyright Registration of Musical Compositions and Sound Recordings](#) and in [What Musicians Should Know about Copyright](#). If you file an amended claim, change your selection under “Type of work” from sound recording to musical composition.

Allegedly Infringing Activity

Your claim does not present enough facts to clearly state how each 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.

Copyright Office records for “Wobble” state that the registration covers the “music [and] lyrics” of the work. The “Describe the infringement” section of your claim states that “[t]he work was infringed upon by the respondents due to the lyrics in the chorus” of the respondents’ allegedly infringing song. The “Where the alleged infringing acts occurred” section describes a variety of ways that their allegedly infringing song was performed and distributed. However, your claim does not identify what each respondent did in relation to the song that would amount to infringement. If you file an amended claim, it must include enough facts about how each respondent is responsible for the alleged infringement.

Access

Your claim does not provide facts that indicate how the respondents had access to your work before the alleged infringement. “Access” means a reasonable opportunity to see, hear, or copy your work before the alleged infringement took place. You allege that your work was published somewhere online in 2012 and that the infringement began in 2023, but you do not present enough information in the claim to indicate how it is reasonably likely that the respondents had access to your work in the first 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 respondents, or a close associate of the respondents; (b) was widely disseminated or available to the respondents; or (c) is so strikingly similar to the allegedly infringing work that the respondents could not have created their work 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, for example, by providing the lyrics, sheet music, or sound recordings, 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 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 an 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, and not all similarities are infringing. An alleged infringer must have copied your original elements of expression.

Your claim does not provide enough information describing or showing your work or the allegedly infringing work. You state that each of the songs includes the phrase “hands on your knees” sung by a female voice in the chorus, and that the respondents’ song title includes the word “daddy,” which is also in your chorus. 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 respondents used or identify any portions the respondents used other than the short lyrical phrases “hands on your knees” and “daddy.” 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 provided copies of the works as supplemental documents. As a result, the claim does not provide enough information to enable the Board or respondents to understand the similarity of the works.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity, including facts that show that elements of your work that were copied would be protected by copyright. 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 respondents in the allegedly infringing work, or documents that are sufficient to show substantial similarity in material that copyright protects. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

Relief Sought

In the “Description of harm suffered and relief sought” section of the claim, you state that you are seeking \$50,000 in relief, based not only on alleged “reasonable royalty damages” and “lost profits damages” but also due to “defamation of character.” The request seeks relief that the Board cannot grant.

The most that respondents can be ordered to pay in damages (actual or statutory) in a Board proceeding is \$30,000. However, the maximum amount of statutory damages available from the Board is \$15,000 for each work that was infringed. In addition, if your work was (1) unpublished and the copyright was registered after the infringement started, or (2) published and the copyright was registered both after the infringement started and more than three months after the publication of your work, the maximum statutory damages is \$7,500. You indicate that your work was published in 2012 and that the infringement began in 2023, so it appears that the Board could not award you more than \$7,500 in statutory damages. Also, the Board cannot grant damages based on defamation. More information is available in the [Damages](#) chapter of the CCB Handbook. If you file an amended claim, you must not include a request for 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. 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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