



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0207
July 23, 2024

Chante Green

CLAIMANT

v.

CF2DEF BOYZ RECORD COMPANY
and Stuart Clarke

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 **August 22, 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.

Respondent Address

Your claim must include each respondent's mailing address. 37 C.F.R. § 222.2(c)(6). You indicate that both respondents are in Baltimore, but you list their street addresses as "n/a." To fix this issue in an amended claim, you must provide a complete, valid address for each respondent.

Registration Number

A copyright infringement claim before the Board must include the copyright registration number for the allegedly infringed work or, if it has not yet been registered, 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, you indicate that your work was registered with an effective date of July 31, 2022, but you provide the service request number instead of the registration number, which is PAu004148970. Include that registration number in your amended claim.

Access

Your claim does not provide facts about how the respondents had access to your work. "Access" means a reasonable opportunity to view or hear your work before the alleged infringement took place. In your claim, you

allege that respondent Stuart Clarke has released your song on social media and that you did not give him permission to use your music, but you do not state facts that indicate how either respondent had access to your works in the first place.

To address this issue in an amended claim, it must include facts 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 was available to the respondents; or (c) is so strikingly similar to the respondents' work that they could not have created it independently. Alternatively, you can upload copies of your work and the respondents' 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, 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 that explain the similarities between your work and the allegedly infringing work. If it is not readily apparent from supplemental documents submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar.

In the "Works infringed" section of the claim, you identify your work as a literary work titled "Toxic" that you describe as "Lyrics." You identify the allegedly infringing work as "my song called Toxic." However, you do not provide enough information describing your work. No allegations in the "Describe the infringement" section describe your work or the allegedly infringing work, or state how they are identical or substantially similar. In addition, you have not provided a copy of either work as a supplemental document. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

To address this issue in an amended claim, it must include more factual allegations or information that identifies substantial similarities between the works. 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, and the extent to which the respondents' work is similar to your work.

Alternatively, you may upload documents or files that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, as stated above, 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.

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.

Copyright Claims Attorney