COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0388
September 29, 2026

Hakeem Pugh	*v.*	Justin Brown
CLAIMANT AND COUNTERCLAIM-RESPONDENT		**RESPONDENT AND COUNTERCLAIMANT**

ORDER TO AMEND NONCOMPLIANT COUNTERCLAIM

On December 22, 2025, the Copyright Claims Board ("Board") found the amended claim ("Claim") compliant and directed claimant Hakeem Pugh ("Claimant") to serve the respondent Justin Brown ("you"). On August 19, 2026, you filed a response ("Response") to the Claim, in which you asserted copyright infringement and contractual counterclaims against Claimant. The Board finds that your counterclaims do not comply with the requirements of the CASE Act and related Board regulations.

If you wish to proceed with the counterclaims, you must submit an amended counterclaim by **October 29, 2026**. If no amended counterclaim is filed, the Board must dismiss the counterclaims without prejudice, and the proceeding will continue with Claimant's infringement claim. If you file an amended counterclaim, it will be reviewed for compliance, and the parties will be notified if it is found compliant or noncompliant. 17 U.S.C. § 1506(f)(2).

If you file an amended counterclaim, you must resolve the issue 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 response or counterclaim before you file again. Being specific in your description gives the other party and the Board more information about your counterclaim. You do not need to provide a legal argument in your counterclaim – just a statement of facts and circumstances. There is no character limit, so please be as detailed as possible.

Copyright Infringement — Access

You have brought a copyright infringement counterclaim 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, meaning a reasonable opportunity to view or copy your work; and

4. The respondent's work is substantially similar to the original elements of expression in your work.

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

You are alleging infringement of your sound recording titled "YOU DO YOU." Your claim does not specifically identify how the claimant heard your work before the alleged infringement. In your Response, you include a timeline of events that alleges your work was created before the Claimant's work, but your statements are vague and unclear. In that timeline, you state "I specifically told him that I had made the video in September 2020 and had placed it on my social media, including Snapchat and Facebook, before later posting it elsewhere." You further state "Claimant contends that he created material in 2019 while incarcerated" and that "Claimant released his version, later removed or discontinued that release, and subsequently re-released the disputed material after my version had already been released and after he had actual knowledge of my separately existing work." However, your allegations do not indicate that, or how, the respondent had access to your work from Snapchat, Facebook, or any other source. Your counterclaim also does not mention in what ways, if Claimant did release an initial version earlier, his re-release newly copied your work

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 a close associate of the respondent; (b) was widely disseminated or was reasonably available to the respondent; or (c) is so strikingly similar to the respondent's work that the respondent could not have created it 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.

Contractual Counterclaim

You have raised a "contractual counterclaim," which is a counterclaim that must be based on a contract or agreement that (1) pertains to the same transaction or occurrence as the Claimant's infringement claim, and (2) could affect the relief awarded to the Claimant. 17 U.S.C. § 1504(c)(4)(B)(ii). A contractual counterclaim must describe the contract or agreement on which the counterclaim is based, how it pertains to the same transaction or occurrence as the infringement claim, and how it could affect the relief awarded. 37 C.F.R. § 222.9(c)(6)(i)-(iii).

Your counterclaim identifies an agreement between you and the Claimant involving the You Do You "collaborative/remix version." In your counterclaim, you allege that "the agreement concerned only the specifically identified new/remix version and did not transfer ownership of my preexisting copyrighted material or give the Claimant unrestricted authority to use, control, or release other versions." As mentioned above, a contractual counterclaim must be based on a contract that (1) pertains to the same transaction or occurrence as the Claimant's infringement claim, and (2) could affect the relief awarded to the Claimant. Here, because the contract concerns the "new/remix version" and not the Claimant's work ("Imma Let You Go"), it does not pertain to the same transaction or occurrence as the Claimant's infringement claim. Additionally, an agreement about the "new/remix version" of

You Do You would not affect the relief awarded to the Claimant regarding the alleged infringement of Imma Let You Go.

If you file an amended counterclaim, you must explain how the alleged agreement pertains to the Claimant's work and provides a contractual basis for relief that specifically could affect the relief awarded to Claimant. If you contend that Claimant breached the agreement, identify the terms of the agreement that you allege Claimant breached, describe the conduct that you contend constituted the breach, and explain how that alleged breach could affect the relief awarded in this proceeding. You should file an amended counterclaim only if it will show that an agreement between the parties that relates to the infringement claim and could affect any relief awarded by the Board. If the agreement does not satisfy those conditions, you should omit the contractual counterclaim.

It is not necessary to submit a counterclaim to have the Board consider the merits of the claim and the defenses you raised in your response. More information is available in the **Counterclaims** chapter of the CCB Handbook.

To submit an amended counterclaim, log into your eCCB account and take the following steps:

1. From your dashboard, click the "Amend a counterclaim" button and select your docket number from the dropdown list.
2. Your counterclaim will unlock for editing. The information you originally entered will appear in the same order as in your original counterclaim. Make the necessary edits.
3. 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 counterclaim 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 counterclaim, you will be unable to edit the counterclaim while it is in compliance review.
4. Once you have completed your review and any revisions, you must confirm that the information in your counterclaim 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 provide only 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 and Counterclaims chapters of the CCB Handbook for more assistance.

Copyright Claims Board