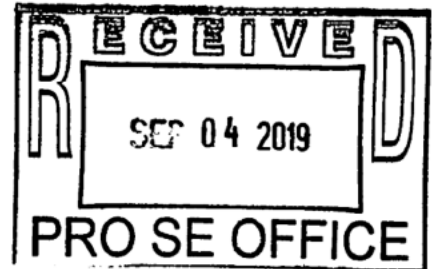


**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK**

TAJE MONBO, <i>et al.</i>	:	
	:	Civil Action No.: <b>CV-18-5930</b>
Plaintiffs,	:	
v.	:	Assigned Judge: Margo K. Brodie
	:	
LOTFY NATHAN, <i>et al.</i>	:	Magistrate Judge: Steven L. Tiscione
	:	
Defendants,	:	

**PLAINTIFFS' MOTION FOR THE ISSUANCE OF REQUEST TO THE  
REGISTER OF COPYRIGHTS PURSUANT TO 17 § U.S.C. 411(B)(2)**

Plaintiffs, Taje Monbo and Deafueh Monbo ("Plaintiffs") move this Court for the issuance of a request to the Register of Copyrights pursuant to 17 § U.S.C. 411(B)(2)<sup>1</sup> for a determination on whether the inaccurate information contained in the certificates of copyright registration no. PAu003699143 and no. PAu003430990 would have caused the Register of Copyrights to refuse the registrations. In support of their motion, Plaintiffs incorporate the following memorandum.



<sup>1</sup> 17 U.S.C. §411 provides, in pertinent part:

(b)(1)A certificate of registration satisfies the requirement of this section a ... regardless of whether the certificate contains any inaccurate information unless –

(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

**MEMORANDUM IN SUPPORT OF MOTION**

Plaintiffs have brought the present declaratory action with respect to Cause of Action No. 14 and No. 15 to resolve a controversy between the parties to determine the validity of Defendant Red Gap Film Group, LLC ("Red Gap") copyright registration no. PAu003699143 entitled "*12 O'Clock Boys*" issued on September 6, 2013 and Defendant Vertical Entertainment, LLC copyright registration no. PAu003430990 entitled "*The Twelve O'Clock Boyz*" issued on December 8, 2009.

Defendants Red Gap and Vertical Entertainment's copyrights are invalid because Defendant Lotfy Nathan failed to provide the copyright office with facts that, if known, would have caused the rejection of the registrations by the Copyright Office.

**I. Copyright Registration No. PAu003699143 entitled "12 O'Clock Boys"**

Defendant Lotfy Nathan and Red Gap made knowing material misrepresentations in Red Gap's registration application to the Copyright Office.

Defendant Lotfy Nathan admits that his infringing *12 O'Clock Boys* (2013) film includes upward of thirty (30) clips from the Plaintiffs' *12 O'Clock Boyz* Copyrighted Works.

Yet, Defendant Lotfy Nathan knowingly misrepresented in Red Gap's application to the Copyright Office that Red Gap's infringing *12 O'Clock Boys* (2013) film did not include pre-existing materials from Plaintiffs' *12 O'Clock Boyz* Copyrighted Works.

Defendant Lotfy Nathan intentionally and purposefully concealed relevant information from the Copyright Office such as the inclusion of the thirty (30) clips taken from the Plaintiffs' *12 O'Clock Boyz* Copyrighted Works.

Moreover, Red Gap alleges to be the owner by work-for-hire of Copyright Registration No. PAu003699143 for the film entitled "12 O'Clock Boys", which was issued on September 6, 2013. *See Exhibit 1*

Copyright Registration No. PAu003699143 states that Red Gap is the author of the infringing film entitled "12 O'Clock Boys". *See Exhibit 1*

Red Gap is not the true and original author of the infringing film entitled 12 O'Clock Boys.

Red Gap was founded on May 24, 2012 (*Exhibit 2*, at page 2) and the infringing 12 O'Clock Boys film was being produced from 2009 to early 2012; in other words, prior to the existence of Red Gap. Red Gap did not exist at the time the infringing 12 O'Clock Boys film was being produced from 2009 to May 23, 2012. *See Exhibit 2*, at page 2.

The copyright application submitted by Lotfy Nathan falsely identifies Red Gap as the author of the entire infringing 12 O'Clock Boys (2013) film. *See Exhibit 1*

Under the "work for hire" doctrine, in order for the entity hiring the work to be able to claim ownership of the work, a written agreement to that effect must be signed prior to the creation of the work, 17 U.S.C. §201 (b), *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 (1989). Therefore, Red Gap is not entitled to claim authorship of the 12 O'Clock Boys (2013) film by Lotfy Nathan under the "work for hire" doctrine and, as a result, is not entitled to ownership of the Copyright Registration, PAu003699143.

Red Gap's copyright registration PAu003699143 for the film entitled "12 O'Clock Boys" is invalid as a result of Lotfy Nathan's knowing material misrepresentations in Red Gap's registration application to the Copyright Office pursuant to 17 U.S.C. § 411(b)(1)(A).

Prior to registration, on December 2, 2013, the Copyright Office questioned Defendant

Lotfy Nathan repeatedly about the authorship of the infringing 12 O'Clock Boys (2013) film. Each time, Defendant Lotfy Nathan knowingly misrepresented to the Copyright Office that Red Gap was the Author and that Red Gap acquired authorship by means of work-for-hire, when Red Gap did not even exist at the time the infringing 12 O'Clock Boys film was being produced from 2009 to May 23, 2012. *See Exhibit 3*

Furthermore, on December 9, 2013, Defendant Lotfy Nathan knowingly misrepresented to the Copyright Office that his infringing 12 O'Clock Boys work had not yet been published, when in fact, his infringing 12 O'Clock Boys work had already been published, and had its world premiere on March 10, 2013 at the South by Southwest Film Festival. *See Exhibit 4*, at page 3.

Red Gap's application submitted at Defendant Lotfy Nathan's direction to the Copyright Office for copyright registration PAu003699143 for his infringing 12 O'Clock Boys (2013) film includes inaccurate information and material misstatements that if known, would have caused the Register of Copyrights to refuse Red Gap's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act. *See Exhibit 1*

## **II. Copyright Registration No. PAu003430990 entitled "The Twelve O'Clock Boyz"**

Vertical Entertainment, LLC alleges to be the owner by work-for-hire of Copyright Registration No. PAu003430990 for the six DVDs entitled "The Twelve O'Clock Boyz", which was issued on December 8, 2009. *See Exhibit 5*

Copyright Registration No. PAu003430990 states that Vertical Entertainment is one of the authors of the six DVDs entitled "The Twelve O'Clock Boyz". *See Exhibit 5*

Vertical Entertainment is not a true and original author of the six DVDs entitled "The Twelve O'Clock Boyz".



The copyright application submitted by Lotfy Nathan falsely identifies Vertical Entertainment as one of the authors of the six DVDs entitled "The Twelve O'Clock Boyz". See **Exhibit 5**

Vertical Entertainment was founded on October 27, 2009 (See **Exhibit 6**) and the six DVDs entitled "The Twelve O'Clock Boyz" were produced in 2008, prior to the existence of Vertical Entertainment. Vertical Entertainment did not exist at the time that the six DVDs entitled "The Twelve O'Clock Boyz" were being produced in 2008. See **Exhibit 6**, at page 2.

Under the "work for hire" doctrine, in order for the entity hiring the work to be able to claim ownership of the work, a written agreement to that effect must be signed prior to the creation of the work, 17 U.S.C. §201 (b), Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989). Therefore, Vertical Entertainment is not entitled to claim authorship of the film entitled "The Twelve O'Clock Boyz" under the "work for hire" doctrine and, as a result, is not entitled to ownership of the Copyright Registration, PAu003430990.

Vertical Entertainment's copyright registration PAu003430990 for the six DVDs entitled "The Twelve O'Clock Boyz" is invalid as a result of Lotfy Nathan's knowing material misrepresentations in Vertical Entertainment's registration application to the Copyright Office pursuant to 17 U.S.C. § 411(b)(1)(A).

Vertical Entertainment's application submitted at Defendant Lotfy Nathan's direction to the Copyright Office for copyright registration PAu003430990 for the six DVDs entitled "The Twelve O'Clock Boyz" includes material misstatements and false information that if known, would have caused the Register of Copyrights to refuse Vertical Entertainment's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act. See **Exhibit 5**

17 U.S.C. §411(B)(2) provides, as follows:

In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

The mandatory provisions of 17 U.S.C. 411 (B)(2) have been used in many District Court cases. See *Velazquez-Gonzalez v. Pina*, No. 07-1512, U.S.D. C., D.P.R. A copy of the request used in that case is attached for reference only. See **Exhibit 7**

In this case, pursuant to 411(B)(2), Plaintiffs move the Court to issue a request to the Register of Copyrights on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration:

**1. As to Copyright Registration No. PAu003699143:**

- a. Whether failure to disclose the pre-existing materials (space 6a)<sup>3</sup> would have caused the Copyright Register to refuse the application for registration no. PAu003699143?
- b. Whether knowingly filing an application with Red Gap as the author of *12 O'Clock Boys*, when Red Gap did not exist at the time when the film was produced (in 2009 - April 23, 2012), would have cause the Copyright of Register to refuse the application for registration no. PAu003699143?
- c. Whether failure to disclose that Red Gap did not have a written work-for-hire agreement signed prior to the creation of the film, *12 O'Clock Boys*, (because Red Gap did not exist) would have caused the Copyright Register to refuse the application for registration no. PAu003699143?
- d. Whether knowingly failing to disclose the publication date (space 3a)<sup>4</sup> of the film, *12 O'Clock Boys*, when the film had already been published on March 10, 2013 at the South by Southwest film festival, would have caused the Copyright Register to refuse the application for registration no. PAu003699143?

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<sup>3</sup> Space 6(a) of the Form PA copyright application.

<sup>4</sup> Space 3(a) of the Form PA copyright application.

**2. As to Copyright Registration No. PAu003430990:**

- a. Whether knowingly filing an application with Vertical Entertainment as the author of *The Twelve O'Clock Boyz*, when Vertical Entertainment did not exist at the time when the film was produced in 2008, would have caused the Copyright of Register to refuse the application for registration no. PAu003430990?
- b. Whether failure to disclose that Vertical Entertainment did not have a written work-for-hire agreement signed prior to the creation of the film, *The Twelve O'Clock Boyz*, (because Vertical Entertainment did not exist), would have caused the Copyright Register to refuse the application for registration no. PAu003430990?

Plaintiffs believe that the submission of this request is important for an early disposition of this controversy with respect to copyright registration Nos. PAu003699143 and PAu003430990.

Respectfully Submitted:


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Dated: September 4, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this PLAINTIFFS' MOTION FOR THE ISSUANCE OF REQUEST TO THE REGISTER OF COPYRIGHTS PURSUANT TO 17 U.S.C. 411(B)(2) was mailed September 4, 2019 to:

Robert S. Meloni  
 Thomas P. McCaffrey  
 MELONI & MCCAFFREY, P.C.  
 3 Columbus Circle – 15th Floor  
 New York, New York, 10019  
  
*Attorney for Defendants Oscilloscope Pictures, Inc.,  
 Oscilloscope Inc., Daniel Berger, and Thomas  
 Sladek*

Joel W. Sternman  
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 Overbrook Entertainment LLC, and Will Smith*

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*Attorney for Defendants Lotfy Nathan, Red Gap  
Film Group and Vertical Entertainment*

Mission Film, Inc  
2213 Lowells Glen Road, Unit #F  
Parkville, MD 21234

Eric Blair  
2213 Lowells Glen Road, Unit #F  
Parkville, MD 21234



# **EXHIBIT 1**



Help Search History Titles Start Over

### Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = pau003699143

Search Results: Displaying 1 of 1 entries



#### 12 O'Clock Boys.

**Type of Work:** Motion Picture

**Registration Number / Date:** PAu003699143 / 2013-09-06

**Application Title:** 12 O'Clock Boys.

**Title:** 12 O'Clock Boys.

**Description:** Videodisc (DVD)

**Copyright Claimant:** Red Gap Film Group, LLC. Address: 194 S 2nd Street floor 3, Brooklyn, NY, 11211, United States.

**Date of Creation:** 2013

**Authorship on Application:** Red Gap Film Group, LLC, employer for hire; Domicile: United States. Authorship: entire motion picture.

**Rights and Permissions:** Lotfy Nathan, Red Gap Film Group, 194 S 2nd Street, Floor 3, Brooklyn, NY, 11211, United States, (508) 380-5202, (508) 380-5202, lotfynathan@gmail.com

**Copyright Note:** C.O. correspondence.

**Names:** Red Gap Film Group, LLC



<b>Save, Print and Email (Help Page)</b>		
Select Download Format	Full Record ▾	Format for Print/Save
Enter your email address:	<input type="text"/>	<input type="button" value="Email"/>

Help Search History Titles Start Over

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

# **EXHIBIT 2**



Want to PLAN, START, MANAGE,  
or GROW your business?

▶ Click **HERE!**

## ➔ Maryland Business Express

🏠 Home

👤 Log In / Create Account

### THE RED GAP FILM GROUP, LLC: W14693261

**General Information**

Filing History

Annual Report/Personal Property

### General Information

**Department ID Number:**

W14693261

**Business Name:**

THE RED GAP FILM GROUP, LLC

**Principal Office:**

2239 KIRK AVENUE  
BALTIMORE MD 21218

**Resident Agent:**

MARTI RYAN DANE NESTER  
2239 KIRK AVENUE  
BALTIMORE MD 21218

**Status:**

FORFEITED

**Good Standing:**

**THIS BUSINESS IS NOT IN GOOD  
STANDING**

What does it mean if a business  
entity is not in good standing or  
forfeited?

» **Order Certificate of Status**

**Business Type:**

DOMESTIC LLC

**Business Code:**



5/16/2019

Register Your Business Online | Maryland.gov

20 ENTITIES OTHER THAN  
CORPORATIONS

**Date of Formation/ Registration:**

05/24/2012

**State of Formation:**

MD

**Stock Status:**

N/A

**Close Status:**

N/A

 [New Search](#)

[Order Documents](#)

[Privacy and Security Policy](#) | [Accessibility Policy](#)

**FOR FILING AND BUSINESS RELATED QUESTIONS**

Maryland Department of Assessments & Taxation

410-767-1184 | Outside the Baltimore Metro Area: 888-246-5941

Maryland Relay: 800-735-2258

**FOR TECHNICAL QUESTIONS AND SUPPORT**

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Maryland.gov

» [Click for 24/7 Support](#)

SECURED

# **EXHIBIT 3**



**COPY OF E-FILE  
CORRESPONDENCE  
PAu 3-699-143  
(SR 1-971137331)**

**Correspondence Activities Report**

**SR 1-971137331**

**Activity Type:** Email - Outbound

**Created on:** 07/29/2013 1:53:21 PM

**Subject:** Confirmation of Receipt

**Body:**

**THIS IS AN AUTOMATED EMAIL - PLEASE DO NOT REPLY.** Your application and payment for the work 12 O'Clock Boys were received by the U.S. Copyright Office on 07/29/2013. **PLEASE NOTE:** Your submission is not complete until you upload or mail the material you are registering. To do so, logon to eCO ([https://eco.copyright.gov/eService\\_enu/](https://eco.copyright.gov/eService_enu/)) and click on case number 1-971137331 in the Open Cases table. Follow the instructions to either upload a digital copy or mail a physical copy (with shipping slip attached) of the work being registered. Additional instructions and requirements for submitting the material being registered can be found at <http://www.copyright.gov/eco/tips/>. **SHIPPING SLIPS:** If you mail physical copies of the material being registered, the effective date of registration will be based on the date on which we receive the copies **WITH CORRESPONDING SHIPPING SLIPS ATTACHED**. A printable copy of the application will be available within 24 hours by clicking the My Applications link in the left top most navigation menu of the Home screen. You may check the status of this claim via eCO using this number 1-971137331. If you have questions or need assistance, Copyright Office contact information can be found at <http://www.copyright.gov/help/index.html#general>.



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**Activity Type:** Letter - Inbound

**Created on:** 09/10/2013 10:12:37 AM

**Comments:** See scanned image in Electronic Files

---

12 O'CLOCK BOYS

1-971137331

CONTACT:

LOTFY NATHAN

Lotfy.nathan@gmail.com

(508) - 380 - 5202

---

**Activity Type:** Email - Outbound

**Created on:** 12/02/2013 4:23:23 PM

**Attachment:** Y

**Subject:** 1-971137331 12 O'Clock Boys

**Body:**

Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close

this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]



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**Activity Type:** Email - Inbound

**Created on:** 12/02/2013 4:45:16 PM

**Attachment:** Y

**Subject:** Re: 1-971137331 12 O'Clock Boys

**Body:**

Hello,

Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise.

Thank you

Lotfy

Lotfy Nathan

+15083805202

On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote:

Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the

deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]



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**Activity Type:** Email - Outbound

**Created on:** 12/03/2013 07:58:31 AM

**Attachment:** Y

**Subject:** RE: Re: 1-971137331 12 O'Clock Boys

**Body:**

Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. Best, Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2] -----Original Message----- From: lotfynathan@gmail.com Sent: 12/2/2013 04:44:48 PM To: Copyright Office

Subject: Re: 1-971137331 12 O'Clock Boys Hello, Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise. Thank you Lotfy Lotfy Nathan+15083805202 On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office wrote: Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship

information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James  
Registration Specialist, U.S. Copyright Office  
Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]



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**Activity Type:** Email - Inbound

**Created on:** 12/09/2013 1:26:54 PM

**Attachment:** Y

**Subject:** Re: Re: 1-971137331 12 O'Clock Boys

**Body:**

Hi Gareth,

The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion.

The DVD then should suffice according to the leaflet you sent. Thank you.

Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC.

I am the Copyright claimant and my information is:

Lotfy Nathan  
194 S 2nd Street Floor 3  
Brooklyn, NY, 11211

Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202.

Best, Lotfy

Lotfy Nathan  
+15083805202

On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote:

Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. Please send another reply



to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. Best,

Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

-----Original Message-----From: [lotfynathan@gmail.com](mailto:lotfynathan@gmail.com)Sent: 12/2/2013 04:44:48 PM To: Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> Subject: Re: 1-971137331 12 O'Clock Boys

Hello, Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise. Thank you Lotfy Lotfy Nathan +15083805202 On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote: Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circls/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or

possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]



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**Activity Type:** Email - Outbound

**Created on:** 12/11/2013 08:18:51 AM

**Subject:** RE: Re: Re: 1-971137331 12 O'Clock Boys

**Body:**

Hi Lotfy, Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture. You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant. Best regards, Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2] -----Original Message----- From:

lotfynathan@gmail.com Sent: 12/9/2013 01:26:33 PM To: Copyright Office  
Subject: Re: Re: 1-971137331 12 O'Clock Boys Hi Gareth, The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion. The DVD then should suffice according to the leaflet you sent. Thank you. Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC. I am the Copyright claimant and my information is: Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211 Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202. Best, Lotfy Lotfy Nathan +15083805202 On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office

wrote: Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. Best, Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD

ID:1-HAOFJ2] ——Original Message—— From: lotfynathan@gmail.com  
Sent: 12/2/2013 04:44:48 PM To: Copyright Office  
Subject: Re: 1-971137331 12 O'Clock Boys Hello, Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise. Thank youLotfy Lotfy Nathan+15083805202 On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office wrote: Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to



**this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]**

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**Activity Type:** Email - Inbound

**Created on:** 12/11/2013 10:28:33 AM

**Attachment:** Y

**Subject:** Re: 1-971137331 12 O'Clock Boys

**Body:**

Hi Gareth, Thanks so much. Let's confirm the LLC as author and claimant. Best Lotfy On Dec 11, 2013, at 8:21 AM, "Copyright Office" wrote: > > Hi Lotfy, > Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture. > > You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant. > > Best regards, > Gareth James > Registration Specialist, U.S. Copyright Office > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2] > > -----Original Message----- > > From: lotfynathan@gmail.com > Sent: 12/9/2013 01:26:33 PM > To: Copyright Office > Subject: Re: Re: 1-971137331 12 O'Clock Boys > > Hi Gareth, > The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion. > The DVD then should suffice according to the leaflet you sent. Thank you. > Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC. > I am the Copyright claimant and my information is: > Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211 > Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202. > Best, > Lotfy > Lotfy Nathan+15083805202 > > On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office wrote: > Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. > > If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. > > On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. > > Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any

questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. >> Best, > Gareth James > Registration Specialist, U.S. Copyright Office >>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. >> [THREAD ID:1-HAOFJ2] >> -----Original Message----- >> From: lotfynathan@gmail.com > Sent: 12/2/2013 04:44:48 PM > To: Copyright Office > Subject: Re: 1-971137331 12 O'Clock Boys >> Hello, > Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. >> Please advise. > Thank youLotfy > Lotfy Nathan+15083805202 >> On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office

wrote: > Dear Lotfy Nathan: >> We are writing because of questions about the authorship of this work and the deposit copy. >> Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. >> Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") >> Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) >> Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. >> Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) >> Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). >> Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. >> Please send us one copy of the best edition format as published. If you are sending a DCP,



please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. > >  
Sincerely, > Gareth James > Registration Specialist, U.S. Copyright Office > >  
Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. > > Reply to this message to confirm the date on which you mailed the copy(ies) to us. > >  
Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2]

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**Activity Type:** Email - Outbound

**Created on:** 12/11/2013 11:21:35 AM

**Subject:** RE: Re: 1-971137331 12 O'Clock Boys

**Body:**

Great, thanks. I've finished up the registration and you should receive the certificate in the mail in the next couple of weeks. Best, Gareth When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

-----Original Message----- From: lotfynathan@gmail.com Sent: 12/11/2013

10:14:17 AM To: Copyright Office

Subject: Re: 1-971137331 12 O'Clock Boys Hi Gareth, Thanks so much. Let's confirm the LLC as author and claimant. Best Lotfy On Dec 11, 2013, at 8:21 AM, "Copyright Office"

wrote: > > Hi Lotfy, > Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture. > > You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant. > > Best regards, > Gareth James > Registration Specialist, U.S. Copyright Office > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2] > >

-----Original Message----- > > From: lotfynathan@gmail.com > Sent: 12/9/2013

01:26:33 PM > To: Copyright Office

> Subject: Re: Re: 1-971137331 12 O'Clock Boys > > Hi Gareth, > The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion. > The DVD then should suffice according to the leaflet you sent. Thank you. > Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC. > I am the Copyright claimant and my information is: > Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211 > Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202. > Best, > Lotfy > Lotfy Nathan+15083805202 > > On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office

wrote: > Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. > > If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format,



however we would require an unencrypted copy that can be played on a PC or Mac computer. >> On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. >> Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. >> Best, > Gareth James > Registration Specialist, U.S. Copyright Office >>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. >> [THREAD ID:1-HAOFJ2] >> -----Original Message----- >> From: lotfynathan@gmail.com > Sent: 12/2/2013 04:44:48 PM > To: Copyright Office > Subject: Re: 1-971137331 12 O'Clock Boys >> Hello, > Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. >> Please advise. > Thank you Lotfy > Lotfy Nathan+15083805202 >> On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office

wrote: > Dear Lotfy Nathan: >> We are writing because of questions about the authorship of this work and the deposit copy. >> Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. >> Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") >> Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) >> Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. >> Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) >> Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). >> Also,



the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. > > Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. > > Sincerely, > Gareth James > Registration Specialist, U.S. Copyright Office > > Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. > > Reply to this message to confirm the date on which you mailed the copy(ies) to us. > > Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2]

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**Activity Type:** Email - Inbound

**Created on:** 12/11/2013 11:49:20 AM

**Attachment:** Y

**Subject:** Re: Re: 1-971137331 12 O'Clock Boys

**Body:**

Thank you for the attention to this, Gareth. I wasn't expecting to be able to email directly with a person at the copyright office!

Best,

Lotfy

Lotfy Nathan  
+15083805202

On Wed, Dec 11, 2013 at 11:22 AM, Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote:

Great, thanks. I've finished up the registration and you should receive the certificate in the mail in the next couple of weeks. Best, Gareth

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct

office. [THREAD ID:1-HAOFJ2]-----Original

Message-----From: [lotfynathan@gmail.com](mailto:lotfynathan@gmail.com)

Sent: 12/11/2013 10:14:17 AM

To: Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> Subject: Re: 1-971137331 12 O'Clock Boys  
Hi Gareth, Thanks so much. Let's confirm the LLC as author and claimant. Best Lotfy  
On Dec 11, 2013, at 8:21 AM, "Copyright Office"

<[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote:>> Hi Lotfy,> Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture.>> You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant.>> Best regards,> Gareth James> Registration Specialist, U.S. Copyright

Office>>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.>>>> When replying to this email, please include the following thread id

(entire line) within the body of your response to expedite routing to the correct office.>> [THREAD ID:1-HAOFJ2]>> -----Original Message----->>

From: [lotfynathan@gmail.com](mailto:lotfynathan@gmail.com)> Sent: 12/9/2013 01:26:33 PM> To: Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)>> Subject: Re: Re: 1-971137331 12 O'Clock Boys>>

Hi Gareth,> The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion.> The DVD then should suffice according to the leaflet you sent. Thank you.> Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC.> I am the Copyright claimant and my information is:> Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211> Thank you and please let me know if there are any further questions. Do



not hesitate to call [5083805202](tel:5083805202).> Best,> Lotfy> Lotfy Nathan+15083805202>> On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote:> Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures.>> If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer.>> On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted.>> Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082.>> Best,> Gareth James> Registration Specialist, U.S. Copyright Office>>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.>> [THREAD ID:1-HAOFJ2]>> -----Original Message----->> From: [lotfynathan@gmail.com](mailto:lotfynathan@gmail.com)> Sent: 12/2/2013 04:44:48 PM> To: Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)>> Subject: Re: 1-971137331 12 O'Clock Boys>> Hello,> Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality.>> Please advise.> Thank youLotfy> Lotfy Nathan+15083805202>> On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office <[cop-rc@loc.gov](mailto:cop-rc@loc.gov)> wrote:> Dear Lotfy Nathan:>> We are writing because of questions about the authorship of this work and the deposit copy.>> Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice.>> Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.")>> Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author

and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.)>> Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly.>> Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.)>> Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement").>> Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration.>> Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers.>> Sincerely,> Gareth James> Registration Specialist, U.S. Copyright Office>> Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet.>> Reply to this message to confirm the date on which you mailed the copy(ies) to us.>> Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission.>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.>> [THREAD ID:1-HAOFJ2]

---

# **EXHIBIT 4**



## 12 O'Clock Boys

[Tweet](#)

[Synopsis](#)

[Credits](#)

[Director Bio](#)

[Contact](#)

[Still](#)

### Synopsis

Pug, a wisecracking 13 year old living on a dangerous Westside block, has one goal in mind: to join The 12 O'Clock Boys; the notorious urban dirt-bike gang of Baltimore. Converging from all parts of the inner city, they invade the streets and clash with police, who are forbidden to chase the bikes for fear of endangering the public. Pug looks to the pack for mentorship, spurred by their dangerous lifestyle. He narrates their world as if explaining a dreamscape, complemented with unprecedented, action-packed coverage of the riders in their element. The film presents the pivotal years of change in a boy's life growing up in one of the most dangerous and economically depressed cities in the US.

### Credits

**Director:** Lotfy Nathan

**Executive Producer:** Taylor Gillespie

**Producer:** Lotfy Nathan, John Kassab, Eric Blair

**Cinematographer:** Lotfy Nathan

**Editor:** Thomas Niles

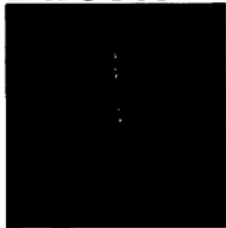
**Music:** Joe Williams

**Additional Credits:** Second Unit Camera: John Benam, Associate Producer: Tom Colley, Associate Producer: Ted Marcus, Consulting Editor: Ian Olds, Production Assistant: Larry Jackson

8/26/2019

12 O'Clock Boys | Schedule | sxsw.com

## Director Bio



Lotfy Nathan, 26, is a fellow of the Garrett Scott Foundation, IFP Lab, IFP Spotlight, and a recipient of the Grainger Marburg Grant. His first film: "12 O'Clock Boys" has had preview screenings at Lincoln Center, IFC Center, Rooftop film festival, and Full Frame Festival. He was recently accepted to the Columbia University MFA Film Program.

## Contact

### Public Film Contact

Lotfy Nathan

lotfynathan@gmail.com

(508) 380-5202

## Still



★ **Sunday, March 10**

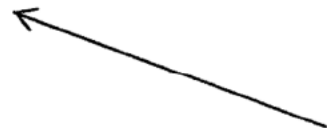
**11:15AM -12:30PM**

[Add to my schedule](#)

[Venue Info](#)

[Stateside Theatre](#)

**719 Congress Ave**



Credentials with access

Film Badge, Gold Badge, Platinum Badge, Film Festival Wristband

Director

Lotfy Nathan

Screening Section (THEME)

Documentary Competition

Details

World Premiere

Documentary Feature

English

USA

2013

DCP

75 MIN

<http://www.12oclockboys.com>

Additional Screening

★ **Monday, March 11**

**1:45PM - 3:00PM**

Venue: **Violet Crown 3&4**

★ **Friday, March 15**

**11:15AM -12:30PM**

Venue: **Stateside Theatre**

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8/26/2019

12 O'Clock Boys | Schedule | sxsw.com



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8/26/2019

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# **EXHIBIT 5**



**Copyright**

United States Copyright Office

[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)**Public Catalog**

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = PAu003430990

Search Results: Displaying 1 of 1 entries

***The Twelve O'clock Boyz.*****Type of Work:** Motion Picture**Registration Number / Date:** PAu003430990 / 2009-12-08**Application Title:** The Twelve O'clock Boyz.**Title:** The Twelve O'clock Boyz.**Description:** 6 videodiscs (DVD)**Copyright Claimant:** Lotfy Nathan, 1986-. Address: 616 water street suite 225, Baltimore, MD, 21202, United States.**Date of Creation:** 2009**Authorship on Application:** Lotfy Nathan, 1986- ; Domicile: United States; Citizenship: United Kingdom. Authorship: direction/director, production/producer, entire motion picture, cinematography/cinematographer.

Vertical Entertainment, employer for hire; Domicile: United States; Citizenship: United States. Authorship: production/producer.

**Pre-existing Material:** script/screenplay, preexisting footage, preexisting photograph(s), preexisting music.**Basis of Claim:** all other cinematographic material, additional new footage, production as a motion picture.**Rights and Permissions:** Lotfy Nathan, 616 water street suite 225, Baltimore, MD, 21202, United States, (508) 380-5202, lotfynathan@gmail.com**Names:** Nathan, Lotfy, 1986-Vertical Entertainment**Save, Print and Email (Help Page)**

Select Download Format	Full Record	Format for Print/Save
Enter your email address:	<input type="text"/>	
		<input type="button" value="Email"/>

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

# **EXHIBIT 6**

# CORPORATE CHARTER APPROVAL SHEET

**\*\*EXPEDITED SERVICE\*\***

**\*\* KEEP WITH DOCUMENT \*\***

DOCUMENT CODE 40 BUSINESS CODE \_\_\_\_\_

# \_\_\_\_\_

Close \_\_\_\_\_ Stock \_\_\_\_\_ Nonstock \_\_\_\_\_

P.A. \_\_\_\_\_ Religious \_\_\_\_\_

Merging (Transferor) \_\_\_\_\_

Surviving (Transferee) \_\_\_\_\_



1000361998831964

ID # W13287958 ACK # 1000361998831964  
PAGES: 0003  
VERTICAL ENTERTAINMENT, LLC

10/28/2009 AT 03:31 P WO # 0001788794

New Name \_\_\_\_\_

### FEES REMITTED

Base Fee:	_____	<u>100</u>
Org. & Cap. Fee:	_____	
Expedite Fee:	_____	<u>50</u>
Penalty:	_____	
State Recordation Tax:	_____	
State Transfer Tax:	_____	
Certified Copies	_____	
Copy Fee:	_____	
Certificates	_____	
Certificate of Status Fee:	_____	
Personal Property Filings:	_____	
Mail Processing Fee:	_____	
Other:	_____	

TOTAL FEES: \_\_\_\_\_ 150

Credit Card \_\_\_\_\_ Check  Cash \_\_\_\_\_

\_\_\_\_\_ Documents on \_\_\_\_\_ Checks

Approved By: [Signature]

Keyed By: [Signature]

COMMENT(S): Walt-In

- \_\_\_\_\_ Change of Name
- \_\_\_\_\_ Change of Principal Office
- \_\_\_\_\_ Change of Resident Agent
- \_\_\_\_\_ Change of Resident Agent Address
- \_\_\_\_\_ Resignation of Resident Agent
- \_\_\_\_\_ Designation of Resident Agent and Resident Agent's Address
- \_\_\_\_\_ Change of Business Code
- \_\_\_\_\_ Adoption of Assumed Name
- \_\_\_\_\_ Other Change(s)

Code 078

Attention: M'Linda Draughn

Mail: Name and Address

OBER, KALER, GRIMES AND SHRIVER  
ATTN M'LINDA DRAUGHN  
120 E BALTIMORE ST  
BALTIMORE MD 21202-1674

### Stamp Work Order and Customer Number HERE

CUST ID:0002345756  
WORK ORDER:0001788794  
DATE:10-28-2009 03:31 PM  
AMT. PAID:\$150.00



**Y**

**VERTICAL ENTERTAINMENT, LLC**

**ARTICLES OF ORGANIZATION**

October 27, 2009



**THE UNDERSIGNED, in order to form a limited liability company pursuant to the Maryland Limited Liability Company Act (the "LLC Act"), hereby acknowledges and certifies to the Maryland State Department of Assessments and Taxation that:**

- 1. The name of the limited liability company (the "Company") is:**

**Vertical Entertainment, LLC**

- 2. The purposes for which the Company is formed are to (i) produce video, film and digital media, and (ii) engage in any lawful act or activity which may be carried on by a limited liability company under the LLC Act, whether or not related to any other business at the time or theretofore engaged in by the Company.**

**The foregoing enumerated purposes shall be in addition to and not in limitation of the general powers of limited liability companies under the LLC Act.**

- 3. The present address of the principal office of the Company in the State of Maryland is: 616 Water Street, Suite 225, Baltimore, Maryland 21202.**

- 4. The name and address of the resident agent of the Company in the State of Maryland are: Lotfy Nathan, 616 Water Street, Suite 225, Baltimore, Maryland 21202. Said resident agent is a citizen of the State of Maryland who resides in the State of Maryland.**

- 5. The authority of members to act for the Company solely by virtue of their being members is limited as follows:**

- (a) no member of the Company is an agent of the Company solely by virtue of being a member; and**

- (b) no member of the Company has authority to act for the Company solely by virtue of being a member.**

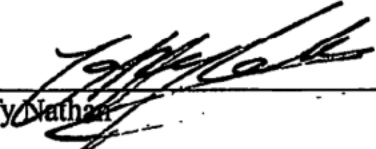
- 6. The duration of the Company shall be perpetual.**

- 7. No member of the Company shall be entitled to exercise the rights of an objecting member under Section 4A-705 of the LLC Act.**

**[Signature Page Follows]**

IN WITNESS WHEREOF, the undersigned, being an individual authorized to do so under the LLC Act, has signed these Articles of Organization, acknowledging the same to be the undersigned's act, on the date first above written.

Authorized Person:

  
\_\_\_\_\_  
Lotfy Nathan

CONSENT OF RESIDENT AGENT

The undersigned hereby agrees to serve as resident agent in the State of Maryland for Vertical Entertainment, LLC.

  
\_\_\_\_\_  
Lotfy Nathan

CUST ID: 0002345786  
WORK ORDER: 0001788794  
DATE: 10-28-2009 03:31 PM  
AMT. PAID: \$150.00

# **EXHIBIT 7**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

LUIS A. VELAZQUEZ-GONZALEZ

Plaintiff

vs

CIVIL 07-1512CCC

RAFAEL PINA, d/b/a PINA RECORDS;  
PINA ENTERTAINMENT GROUP, RAP  
RECORDS; PINA MUSIC, INC.;  
PINA ARTISTIC MANAGEMENT;  
PINA INDUSTRIES; MAFER MUSIC  
PUBLISHING, INC.; SONY/ATV DISCOS  
MUSIC PUBLISHING; UNIVERSAL MUSIC  
LATINO; UNIVERSAL MUSIC  
DISTRIBUTION CORP.; JOSE NIEVES  
JAIME p/k/a "R.K.M.;" KENNY VAZQUEZ,  
p/k/a "KEN-Y;" and XYZ INSURANCE CO.

Defendants

**REQUEST TO THE REGISTER OF COPYRIGHTS  
PURSUANT TO 17 U.S.C. §411(B)(2)**

Federal jurisdiction in the action arises from allegations of copyright infringement of the musical composition entitled "Amiga Mía." Plaintiff Luis Velázquez alleges that the "defendants have illegally and without Plaintiff's authorization, manufactured and/or distributed; publicly performed; facilitated and/ or induced the unauthorized manufacturing and/or distribution of unauthorized copies and/or derivative works of the Composition." Second Amended Complaint, docket entry 20, ¶1.

Before the Court is a Motion for Summary Judgment filed by defendants José Nieves-Jaime and Kenny Vázquez, authors/composers of "Amiga Mía." Among movants' contentions is the invalidity of the plaintiff's copyright because he failed to provide the Copyright Office with facts that, if known, would have caused the rejection of the registration by the Copyright Office. Because federal jurisdiction is dependent upon the validity of



CIVIL 07-1512CCC

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plaintiff's copyright, the Court hereby requests advice from the Register of Copyrights, pursuant to 17 U.S.C. §411(b)(2).<sup>1</sup>

On August 22, 2004 plaintiff Velázquez entered into an agreement entitled "License for Recording of Artistic Performances and Acceptance of Work for Hire," as "Producer" with defendants José Nieves and Kenny Vázquez, respectively, as artists. Although the title includes the phrase "work for hire," it does not meet the definition of a "work made for hire" found in 17 U.S.C. §101,<sup>2</sup> in that the song had been composed prior to the parties' agreement. It is undisputed that Nieves and Vázquez are the authors/composers of "Amiga Mia."

On January 3, 2007, plaintiff's attorney, Yolanda Alvarez, submitted an application for a Certificate of Registration of copyright on his behalf as Copyright Claimant, for the composition "Amiga Mia." The certificate falsely identifies Velázquez as the author-creator of the words and music. It makes no mention of the license agreement with the true authors.

---

<sup>1</sup>17 U.S.C. §411 provides, in pertinent part:

(b)(1) A certificate of registration satisfies the requirement of this section a ... regardless of whether the certificate contains any inaccurate information unless—

(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

<sup>2</sup> Section 101 defines a "work made for hire" as (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work.

CIVIL 07-1512CCC

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Velázquez filed this action for copyright infringement and supplemental claims on June 14, 2007. Over the course of litigation, it became clear Nieves and Vázquez are challenging plaintiff's contention that all rights and interests in the composition "Amiga Mía" were transferred to Velázquez pursuant to the License for Recording of Artistic Performances. Notwithstanding that the composers deny having assigned the rights to the composition, thereby placing such ownership rights in issue, on March 7, 2008, Velázquez, again through his attorney, filed a supplementary Certificate of Registration, this time correctly identifying the authors as Vázquez and Nieves. As to "Explanation of Correction," plaintiff states that, "The authors of the work are Kenny Vázquez and José M. Nieves, who transferred their rights over the composition to Luis A. Velázquez." In sum, Velázquez failed to advise the Register of Copyrights that there was a lawsuit challenging his claim of ownership of all rights in the composition.

For the above-stated reasons, the Court seeks the advice of the Register of Copyrights, to be provided by July 21, 2009, on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration:

I. As to the original Certificate of Registration: Three misrepresentations by Velázquez are contained therein: (1) identifying himself as the author; (2) claiming he created the words and music; and (3) failing to notify that the licensing agreement is the source of his alleged rights over the composition. Although plaintiff certainly knew he was not the composer of the words and music and any rights in the composition flowed from the agreement, he claims that the misstatements and the omission were "inadvertent."

II. As to the Supplementary Certificate of Registration: Plaintiff avers that he "is the sole and exclusive owner of the Composition and has the exclusive right to reproduce, copy, publicly perform, prepare derivative works, and distribute it." The authors deny and reject Velázquez' claim of ownership of all rights to the composition. This issue is at the center of the lawsuit before the court. Notwithstanding that there was a dispute as to the ownership rights to "Amiga Mía," plaintiff failed to inform the Register of Copyrights in his supplementary application that he did not have a clear title to the ownership rights.

The Clerk of Court shall notify this Request to all parties and to the Register of Copyrights as follows:

CIVIL 07-1512CCC

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David O. Carson,  
General Counsel  
U.S. Copyright Office  
Copyright GC/I&R  
P.O. Box 70400  
Washington, D.C., 20024

SO ORDERED.

At San Juan, Puerto Rico, on June 1, 2009.

S/CARMEN CONSUELO CEREZO  
United States District Judge