

SEP 08 2015

BEFORE THE
COPYRIGHT OFFICE, ROYALTY BOARD
WASHINGTON, D. C.

Copyright Royalty Board

docket no. 15-CRB-0011-DART
SRF /CC-2014

IN THE MATTER OF

DISTRIBUTION OF DART SOUND RECORDINGS
FUND FEATURED RECORDING ARTISTS AND
COPYRIGHT OWNERS SUBFUND ROYALTIES FOR 2014

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" CLAIMANT HERMAN KELLY'S OBJECTION TO AARC 'S OPPOSITION
DATED AUG 12, 2015 "

1. HERMAN KELLY, Pro, se claimant hereby file and submit his objection to AARC's opposition to party settlement compromise motion. Where claimant requested a fair and equal share of remaining 2 % funds for any amounts that this honorable court see fit under the united states constitutions equal protection laws, and in support of HERMAN KELLY memorandum of laws as a petition request to participate in these civil proceedings. (none appearance hearings).
2. MR. KELLY has no, problems, no controversy, no disputes with amount of remaining royalties funds that the 2 % shall be or is. MR. KELLY is the president of ASPC and is not a attorney. HERMAN KELLY has USA copyrights registration certificates on his songs titles, that are filed with the USA copyrights office LIBRARY OF CONGRESS. MR. KELLY is a original author, poet, arranger, producer, artist to all song titles stated in this case. The records, data, proof of co-ownership, and full ownership of his song titles with his name said, is in the copyright office.
3. Public policy favors settlement of litigation. It is well settled public policy that settlements agreements are highly favored and will be enforced when ever possible. see... CLARK vs. KAWASAKI MOTORS CORP, USA 200 W .VA, 763 (w.VA. 1997). The law favors the compromise and settlement of disputes without resort to litigation. This view is applicable in courts of equity as well as in courts of law. The courts have considered it their duty to encourage rather than to discourage parties in resorting to compromise as a mode of adjusting conflicting claims.
4. The court held that the courts are empowered to encourage settlements thereby discouraging needless litigation and its attendant expense. see... joel vs. valley surgical, ctr. 68, cal. app. 4th 360. m.h. detrick co. vs. century indem, co. 299, ill. app. 3d. 620, ill. app. ct. 1st. dist, 1998. haderlie vs. sonderoth, 866, p. 2d. 703- wyo. 1993. senders vs. roselawn memorial garden, 152, w .va, 91, w, va. 1968.

Therefore based on the herein laws , cases, and mr. kelly's use copyrights certificates which are also legal agreements, contracts, licenses, mr. kelly prays to god and this court to grant his settlement compromise motion and to deny AARC's opposition or any relief that is just and fair to help stop this case. court should on it's own/self. AARC only need to check the records of the copyrights office under titles.



certificate of copyright registration provide prima facie evidence that copyrights are valid, see.. DBC, of New York, Inc, vs. Merit, Diamond corp, SDNY, 1991, 768, f. supp. 414.

17 USC & 201 states... copyright in a work protected under this title vests initially in the author.

Valid copyright registration are prima facie evidence of originality and authorship. see.... Milene Music, Inc, vs, Gotauco, D.C.R.I, 1982, 551, f, supp, 1288.

failure of copyright holder to indicate on registration application that works for which protection was sought were derivative works did not deprive works of copyright protection where works were based on copyright holder's preexisting works and where there was no intention to mislead. see... Iris Arc, vs. S.S. Sarna, Inc, D.C.N.Y. 1985, 621, f, supp, 916.

17 USCS & 106 a states... subject to section 107 and independent of the exclusive rights provided in section 106 the author of a work of visual art, shall have the right to claim authorship of that work.

18 Am, Jur, 2d, & 141 copyright... where someone other than the author is identified as copyright claimant in a registration another registration for the same version may be made by the author in his or her own name as copyright claimant. see... USCS Administrative Rules Of Procedure Copyright Office, 37, C F R & 202. 3 b, 6, ii.

The author of a preexisting work may properly assign to another the right to use it in a derivative work. see... Stewart vs, Abend 1990, US, 109, L. Ed, 2d, 184, 110, S. Ct, 1750, 14, USPQ 2d, 1614..

18 Am, Jur 2 d & 68, copyright... the copyright act of 1976 provides that any of the exclusive rights comprised in a copyright may be transferred and owned separately and that the owner of any particular exclusive right is entitled to the extent of that right to all the protection and remedies accorded to a copyright owner. see.....17 USCS & 201 d, 2.

production of certificate of registration to design presumptively constitutes showing of copyright ownership. see. Lida, Inc. Texollini, Inc. SDNY, 1991, 768, f. supp. 439... 17 USC & 410.

owners of copyright musical composition were entitled to royalties from defendants who made new arrangements of compositions and manufactured phonograph records of such copies. see.. Leo Feist, Inc, vs. Appollo Records, N.Y. corp, DCNY, 1969, 300, f. supp. 32.

co- owners are entitled to claim copyright in undivided whole of protected work. see.. 17 USCA & 101, 201 (a). designer view, Inc, vs, Publix Super Markets, Inc. 764, f. supp. 1473, S.D. fla, 1991.

June 1, 2005

HERMAN KELLY Plaintiff witnesses written affirmation statement.

Song musicological analysis

The following herein undersigned persons are plaintiff, legal witnesses in these copyrights proceedings claims or actions matter. Herman Kelly is the writer, artist, who composed, wrote, arranged, recorded published the song " DANCE TO THE DRUMMER, s BEAT. USA COPYRIGHTS REGISTRATION CERTIFICATE # eu 780711.

WITNESSES SWORN UNDER OATH OF PERJURY ;as true and correct to the best of their knowledge that the song dance to the drummer, s beat sound just like the song 1 THING by Amerie usa copyright # pa 1-281-828 . Both songs has same lyrics structures, harmony, arrangements, melody, rhythm, tempo, beats, used the instruments, has the same styles as a vocal group singing sounds. The song dance to the drummer, s beat and song 1 Thing are in witnesses possession, that was sold at re tail stores, all over usa. No one or person paid witnesses to make their personal analysis ,and opinion to review both songs said herein.

Fortwin Nguyen
Fortwin Nguyen

Alek Kar
Alek Kar

Marquis Edwards
Marquis Edwards

Jimmy Ogbaa
Jimmy Ogbaa

David Chong
David Chong

Rob Ski Fitzgerald
Rob Ski Fitzgerald

Aaron McCarthy
Aaron McCarthy

Franklin Jackson
Franklin Jackson

Greg Baxter Daniel
Greg Baxter Daniel

Roberto Perez
Roberto Perez.

Harold W. Huffstetler, Jr.
Harold W. Huffstetler, Jr.

The aboved citizen of united states of america live in USA We like all kinds of music .MCPS mechanical copyright protection society on behalf of Afterschool publishing co, Inc. requested our reviews on Herman Kelly, s song dance to the drummer, s beat that was written, composed in 1969 and performed in 1969 by Herman Kelly and re-released by RCA records in 1977.

Chris Rising
Chris Rising

Matt Staneff
Matt Staneff

Robert Allen
Robert Allen

AUG 25, 2015

WITNESS'S DECLARATION

AFFIDAVIT

GENESIS ACTS, MCPM, WITNESSES IN RESPECT TO SOUND SCAN AND THE USA COPYRIGHTS OFFICE LIBRARY OF CONGRESS'S DATA RECORDS FILES FOR 2014 YEAR.

WITNESS HAS REVIEWED ALL CLAIMANT HERMAN KELLY'S SONGS TITLES NAMES, ALL HIS COPYRIGHTS REGISTRATIONS CERTIFICATES, ALL HIS AGREEMENTS, CONTRACTS, LICENSES THAT ARE BETWEEN HERMAN KELLY AS CO*OWNER, CO_AUTHOR CO_ARRANGER, AND ALL OTHER CO_AUTHOR, CO_OWNER, CO_ARRANGERS, THAT ARE STATED IN HIS CLAIMS AS ARTIST INTERESTED PARTY TO SHARE OF THE 2014 DART FUNDS, MR.KELLY'S CLAIMS ARE CORRECT AND HE IS WARRANTED SHARE OF THE 2% REMAINING FUNDS .

WITNESS HAS RESEARCHED THE WORLD WIDE INTERNETS, WEBCASTERS, FOR SONGS AND HAS FOUNDED THE SONGS TO BE SOLD ALL OVER THE WORLD IN 2014 TO THIS PRESENT DATE.

MR KELLY CONTROL AND ADMINISTER ALL OF HIS SONG TITLES BASED ON HIS SHARE PERCENTAGES OF COPYRIGHTS OWNERSHIP. HIS SONGS ARE BEING SOLD PERFORMED, MANUFACTURED, DISTRIBUTED ALL OVER THE WORLD BY MANY DIFFERENT MAJOR RECORD COMPANIES NONE EXCLUSIVE. HERMAN KELLY HAS OVER 1000 SONGS IN HIS CATALOG THAT HAS A MARKETING VALUE WORTH OVER ONE MILLION DOLLARS US TO THE GENERAL PUBLIC.

HIS INTERNATIONAL AND NATIONAL KNOWN HIT POPULAR SONG TITLE IS " DANCE TO THE DRUMMER'S BEAT ". refer the internet" USA copyright number# E U 780711.

PRIOR TO THIS CASE YEAR OF 2014, 2013, 2012, ect...AFTERSCHOOL PUBLISHING COMPANY WAS A MEMBER OF AARC AND AARC WAS ASPC'S AGENT A A R C NEVER PAID ASPC NO ROYALTIES MONEY, AND THE MONEY WAS BEEN WITH HOLDING. ASPC IS NOW REPRESENTED BY HERMAN KELLY WHO IS A ARTIST, COMPOSER, AUTHOR.

WITNESS CERTIFY THAT THIS INFORMATIONS IS TRUE FACTS, EVIDENCES.

MCPM

M C P M

Genesis Acts

GENESIS ACTS

CERTIFICATE OF SERVICE

I GENESIS ACTS HEREBY STATE THAT ON THIS AUG 28, 2015 A COPY OF THE FOREGOING NOTICE, PLEADING WAS SERVED BY THE DESIGNATED DELIVERY METHOD ON ALL PARTIES BY USA FIRST CLASS MAIL TO AARC LINDA R. BOCCHI, SARAH KOONS, E. CURRY, E. BURNS, D, SANDERS 700 N FAIRFAX ST. STE 601 ALEXANDRIA, VA 22314-2085

Genesis Acts

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