

1 Andrew M. Hutchison, SBN 029819
2 LOEB & LOEB LLP
3 Two Embarcadero Center, Suite 2510
4 San Francisco, CA 94111
5 Telephone: 415.903.3200
6 Facsimile: 415.903.3201
7 Email: ahutchison@loeb.com

8 Attorneys for Plaintiff,
9 CHRISTIAN COPYRIGHT
10 LICENSING INTERNATIONAL, LLC

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**
13 **PHOENIX DIVISION**

14 CHRISTIAN COPYRIGHT LICENSING
15 INTERNATIONAL, LLC,

16 *Plaintiff,*

17 vs.

18 MULTITRACKS.COM LLC

19 *Defendant.*

Case No. _____

COMPLAINT

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1 Plaintiff Christian Copyright Licensing International, LLC (“CCLI”), by and
2 through undersigned counsel, for its Complaint against Multitracks.com LLC (“MTC”),
3 states as follows:

4 **INTRODUCTION**

5 1. MTC chose to initiate this dispute with CCLI by filing an administrative
6 complaint. MTC’s filing of that complaint is part and parcel of its ongoing effort to
7 disrupt CCLI’s business. MTC has forced CCLI to file this action in order to respond and
8 protect its own rights.

9 **PARTIES**

10 2. CCLI is a limited liability company organized under the laws of Oregon
11 with its principal place of business in Vancouver, Washington.

12 3. Upon information and belief, MTC is a limited liability company organized
13 under the laws of Texas with its principal place of business in Cedar Park, Texas.

14 **JURISDICTION AND VENUE**

15 4. This Court has subject-matter jurisdiction over this action pursuant to 28
16 U.S.C. §§ 1331 (federal-question jurisdiction) and 1338(a) (any act of Congress relating
17 to patents, copyrights, and trademarks), as this case arises under the Lanham Act of
18 1946, 15 U.S.C. § 1051, *et seq.*, as amended, and the Anticybersquatting Consumer
19 Protection Act, 15 U.S.C. §§ 1114(2)(d)(v), 1125(d)(1)(B)(ii) (the “ACPA”).

20 5. MTC consented to personal jurisdiction and venue before this Court
21 pursuant to the Uniform Domain-Name Dispute Resolution Policy (“UDRP”) of the
22 Internet Corporation for Assigned Names and Numbers (“ICANN”), due to the location
23 of the relevant domain-name registrar, GoDaddy Inc. (“GoDaddy”), whose principal
24 place of business is in Tempe, Arizona.

25 **FACTUAL BACKGROUND**

26 **CCLI**

27 6. Founded in 1988, CCLI is the preeminent provider of copyright licenses
28 that facilitate worship services across the United States. CCLI offers licenses for various

1 uses of musical compositions to churches, e.g., the reproduction and distribution of
2 praise and worship songs in connect with congregational worship activities including
3 rehearsing, singing, and online streaming.

4 7. In 2020, CCLI acquired Omnisonic Media Group LLC d/b/a Loop
5 Community (“Loop Community”). Loop Community is a leader in the multitracks-for-
6 worship licensing industry. Loop Community provides, inter alia, licenses to churches
7 and worship leaders to use multitrack sound recordings in connection with
8 congregational worship activities. Among other things, Loop Community offers the
9 Prime iOS app, which is widely used for the playback of multitrack sound recordings
10 during worship services.

11 MULTITRACKS

12 8. Multitracks are the individual audio parts that are recorded separately for
13 audio production.

14 9. Often, each track is a different instrument—a separate track for keyboard,
15 drums, guitars, bass, etc.

16 10. Multitracks are useful for worship music in numerous ways. For example, a
17 musician is able to practice and learn the part for his or her individual instrument by
18 listening to one track. Or, if a bass player is sick, a band can playback the sound
19 recording of the bass part for a particular song while the other band members play along.

20 11. Multitracks’ roots trace back to Les Paul, the renowned American jazz,
21 country, and blues guitarist, songwriter, luthier, and inventor. In 1955, Mr. Paul worked
22 with engineers at Ampex to create the first eight-track recorder, which he dubbed the
23 “Octopus.”

24 12. Multitracking is now a common and integral part of modern sound
25 recording. Among other benefits, multitracking produces higher fidelity sound
26 recordings.

27 13. The term “multitrack” means “using more than one audio track.” See
28 *multitrack*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/>

1 [multitrack](https://dictionary.cambridge.org/dictionary/english/multitrack); *see also multitrack*, Cambridge Dictionary, [https://dictionary.cambridge.org/](https://dictionary.cambridge.org/dictionary/english/multitrack)
2 [dictionary/english/multitrack](https://dictionary.cambridge.org/dictionary/english/multitrack) (“involving the mixing of several separately recorded
3 tracks (= pieces of music or sound), or made using this method”).

4 14. “Multitrack” is simply the common name for a class of products that
5 facilitate the recording, playback, and/or mixing of sound recordings.

6 15. Consistent with the definition of “multitrack,” the term is commonly
7 understood by the public to refer to audio files containing individual parts, or so-called
8 “stems,” of a sound recording.

9 16. Numerous entities who offer products that utilize or involve multitracks
10 use the term “multitrack” or “multitracks” to describe themselves and their products,
11 including their music applications.

12 17. The term “multitrack” is widely used to describe the licensing of audio
13 tracks and so-called “stems” for worship music.

14 18. The terms “multitrack” and “multitracks” are used by numerous entities as
15 a descriptive part of their products and website domain names.

16 **CCLI REGISTERS THE DOMAIN NAME “MULTITRACK.COM”**

17 19. In 2021, CCLI used the domain-name broker service GoDaddy to register
18 the domain name [multitrack.com](https://www.multitrack.com).¹

19 20. The domain name [multitrack.com](https://www.multitrack.com) resolved to [loopcommunity.com](https://www.loopcommunity.com) and,
20 later, a blog owned and maintained by CCLI at [worshipfuel.com](https://www.worshipfuel.com).

21 21. CCLI registered the domain name [multitrack.com](https://www.multitrack.com) in good faith.

22 22. Because CCLI, through its affiliate Loop Community, is in the business of
23 licensing multitracks, CCLI had a legitimate interest in using the domain name
24 [multitrack.com](https://www.multitrack.com) to provide information about, and sell, multitrack licenses to consumers.

25
26
27 ¹ For reasons unknown to CCLI, GoDaddy recorded the name of the registrant
28 organization in its system as “George George,” apparently using the first name of the
CCLI employee who completed the registration.

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

1
2 23. Congress enacted the ACPA to address the problem of cybersquatting,
3 which is the registration, trafficking in, or use of a domain name with a bad-faith intent
4 to profit from a trademark that is identical or confusingly similar to such domain name.

5 24. The ACPA sought to address “ ‘cybersquatters’ or ‘cyberpirates’ ” who
6 abuse the rights of actual trademark holders by purposely and maliciously registering as a
7 domain name the trademark name of another company to divert and confuse customers.”
8 106 Cong. Rec., S10517.

9 25. Around the same time, ICANN promulgated the UDRP to provide an
10 administrative remedy, dictated by contract, to address cybersquatting.

11 26. ICANN adopted the UDRP to address the “deliberate, bad faith registration
12 of domain names of well-known and other trademarks.” WIPO Final Report, Par. 23
13 (1999).

14 27. When drafting the ACPA, Congress was concerned that overreaching
15 cybersquatting claims could be asserted by an entity who did not actually have trademark
16 rights and take a domain name from a registrant who did not possess the bad-faith intent
17 specifically required under the ACPA and administrative policies such as the UDRP.

18 28. In light of the potential for such overreaching claims, Congress provided
19 domain-name owners with a cause of action to determine that they have not violated the
20 ACPA. 15 U.S.C. § 1114(2)(d)(v), 1125(d)(1)(B)(ii).

MTC INTERFERES WITH CCLI’S DOMAIN-NAME REGISTRATION

21
22 29. MTC’s actions in the present case are precisely the type of overreaching
23 behavior that motivated Congress to establish a cause of action for lawful use under the
24 ACPA.

25 30. MTC is another company that offers licenses for multitracks for use in
26 worship services. Upon information and belief, MTC selected multitracks.com as its
27 company domain name precisely because the term “multitracks” is a generic, or at least
28 merely descriptive, term that describes the type of product being offered.

1 31. Indeed, MTC’s own website refers to “multitracks” as what it offers to
2 consumers for sale:

3
4 **Get one custom plan
for all your resources**

5
6 ✓ RENT MULTITRACKS

7 ✓ MULTITRACKS PLAYER

8 32. In recent years, MTC has begun acting in bad faith by trying to corner the
9 market for multitrack licensing by monopolizing the generic terms “multitrack” and
10 “multitracks.” In essence, MTC has sought to deploy trademark law to stifle, rather than
11 foster, competition—in direct contravention of the law.

12 33. On November 21, 2022, MTC launched its latest effort to try to unfairly
13 stifle competition and interfere with CCLI’s business. MTC filed a UDRP Complaint
14 against CCLI before FORUM, a private dispute-resolution company. MTC sought an
15 order requiring the registrar, GoDaddy, to transfer the domain name multitrack.com from
16 CCLI to MTC.

17 34. In its UDRP Complaint, MTC claimed to have trademark rights in three
18 purported marks: MULTITRACKS CLOUD, MULTITRACKS STREAMING, and
19 MULTITRACKS.COM (collectively, the “Purported Marks”).

20 35. MTC made this claim even though *none* of the Purported Marks are
21 registered on the United States Patent and Trademark Office’s (“USPTO”) Principal
22 Register.

23 36. In fact, MTC had previously sought to register MULTITRACKS CLOUD
24 on the Principal Register, but the USPTO *denied* that registration because the term was
25 merely descriptive.

26 37. MTC attempted to register MULTITRACKS STREAMING in 2017 but
27 quickly abandoned that effort after the USPTO refused registration because—yet again—
28 the purported mark is, at best, merely descriptive.

1 38. With respect to MULTITRACKS.COM, MTC only recently filed an
2 *application* on November 2, 2022, a mere nineteen days before filings its UDRP
3 Complaint against CCLI, and the USPTO has not yet taken any action on that
4 application.

5 39. MTC is not the exclusive owner of the generic and/or descriptive word
6 “multitrack” throughout the world, nor is the term “multitrack” exclusively associated
7 with MTC.

8 40. Simply put, MTC has not established that it has protectable rights, whether
9 through registrations or by common law, in the Purported Marks.

10 41. In addition to claiming rights it has not established, MTC claimed that
11 CCLI registered and used the domain name multitrack.com in bad faith.

12 42. In fact, CCLI did not register and use the domain name in bad faith.

13 43. CCLI has the right to use the generic term “multitrack,” which is simply a
14 class of products that CCLI offers through its affiliate Loop Community.

15 44. MTC has *not* established that it has rights in the Purported Marks, so CCLI
16 necessarily could not, and did not, act in bad faith.

17 45. In a decision dated February 19, 2023, the UDRP panel—which consisted
18 of one private-practice attorney based in England—granted MTC’s complaint and
19 ordered the transfer of the domain name multitrack.com from CCLI to MTC.

20 46. The UDRP panelist cited *zero* case law in his decision. That is not
21 surprising, given that MTC’s claim to have rights it has not established in the Purported
22 Marks defies well-established law and has no factual basis. The panelist’s decision was
23 obviously and egregiously wrong.

24 COUNT I

25 **DECLARATORY RELIEF – NO CYBERPIRACY/ BAD FAITH INTENT**

26 **(15 U.S.C. §§ 1114(2)(d)(v), 1125(d)(1)(B)(ii))**

27 47. CCLI realleges and incorporates each and every allegation set forth above
28 as if fully set forth herein.

1 48. MTC has asserted that it has established rights in the Purported Marks;
2 CCLI has no rights or legitimate interests with respect to the multitrack.com domain
3 name; CCLI registered and used the multitrack.com domain name in bad faith; and
4 CCLI's ownership of the multitrack.com domain name is likely to cause consumer
5 confusion.

6 49. In fact, MTC has *not* established that it has rights in any of the Purported
7 Marks; CCLI has rights and legitimate interests with respect to the multitrack.com
8 domain name; CCLI did not register or use the multitrack.com domain name in bad faith;
9 and CCLI's ownership of the multitrack.com domain name is not likely to cause
10 consumer confusion.

11 50. An actual and justiciable controversy exists between the parties regarding
12 whether CCLI's use of the domain name multitrack.com is not unlawful.

13 51. Accordingly, CCLI is entitled to and seeks a declaration under the ACPA
14 that its registration and use of the domain name multitrack.com is not unlawful.

15 **COUNT II**

16 **DECLARATORY JUDGMENT**

17 **(28 U.S.C. §§ 2201, 2202)**

18 52. CCLI realleges and incorporates each and every allegation set forth above
19 as if fully set forth herein.

20 53. MTC has asserted that it has established rights in the Purported Marks;
21 CCLI has no rights or legitimate interests with respect to the multitrack.com domain
22 name; CCLI registered and used the multitrack.com domain name in bad faith; and
23 CCLI's ownership of the multitrack.com domain name is likely to cause consumer
24 confusion.

25 54. In fact, MTC has *not* established that it has rights in any of the Purported
26 Marks; CCLI has rights and legitimate interests with respect to the multitrack.com
27 domain name; CCLI did not register and use the multitrack.com domain name in bad
28 faith; and CCLI's ownership of the multitrack.com domain name is not likely to cause

1 consumer confusion.

2 55. An actual and justiciable controversy exists between the parties regarding
3 whether CCLI's use of the domain name multitrack.com is not unlawful.

4 56. Accordingly, CCLI is entitled to and seeks a declaration that its registration
5 and use of the domain name multitrack.com is not unlawful.

6 **DEMAND FOR JURY TRIAL**

7 57. CCLI requests a jury trial upon all claims and matters so triable.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, CCLI respectfully requests that the Court:

- 10 a) Enter judgment on its behalf against MTC on all counts;
11 b) Enter an order declaring that CCLI's use of the domain name
12 multitrack.com is not unlawful, within the meaning of the ACPA;
13 c) Enter an order enjoining MTC from any and all further efforts to cause the
14 domain name multitrack.com to be transferred to MTC;
15 d) Award CCLI its costs and reasonable attorneys' fees; and
16 e) Award such other and further relief as the Court deems just and proper.

17
18 Dated: March 1, 2023

LOEB & LOEB LLP

19 By: /s/ Andrew M. Hutchison

20 Andrew M. Hutchison

21 Attorneys for Plaintiff

22 CHRISTIAN COPYRIGHT

23 LICENSING INTERNATIONAL, LLC
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