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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/dictionary/english/multitrack> (“involving the mixing of several separately recorded
2 tracks (= pieces of music or sound), or made using this method”).
3

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.
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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

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

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

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

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

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

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

MTC INTERFERES WITH CCLI’S DOMAIN-NAME REGISTRATION

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

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

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.

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18 Dated: March 1, 2023

LOEB & LOEB LLP

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By: /s/ Andrew M. Hutchison

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Andrew M. Hutchison

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Attorneys for Plaintiff

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CHRISTIAN COPYRIGHT

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LICENSING INTERNATIONAL, LLC

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