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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHARMING BEATS LLC,

Case No.: 22-cv-5147

Plaintiff,

ECF CASE

v.

**COMPLAINT AND JURY DEMAND
FOR DAMAGES FOR COPYRIGHT
INFRINGEMENT**

ALPHA KAPPA ALPHA SORORITY, INC. and
ALPHA KAPPA ALPHA EDUCATIONAL
ADVANCEMENT FOUNDATION, INC.,

Defendants.

-----X

Plaintiff CHARMING BEATS LLC, by and through the undersigned counsel, brings this Amended Complaint and Jury Demand against defendants ALPHA KAPPA ALPHA SORORITY, INC. and ALPHA KAPPA ALPHA EDUCATIONAL ADVANCEMENT FOUNDATION, INC. for damages based on copyright infringement and related claims pursuant to the Copyright Act and Copyright Revisions Act, 17 U.S.C. §§ 101, et seq. (“the Copyright Act” or “Act”) and violations of the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201-05 (the “DMCA”). Plaintiff alleges below, upon personal knowledge as to itself, and upon information and belief as to other matters so indicated.

JURISDICTION AND VENUE

1. This Court has Subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1338(a) (jurisdiction over copyright actions).

SPECIFIC JURISDICTION

2. Plaintiff is the sole owner of the copyrighted recording and composition “*Age of Wonders*” – U.S. Copyright Registration No. SR 713-231 (the “Copyrighted Track”)

3. Defendants are corporations formed under the laws of Indiana with a headquarters at 5656 South Stony Island Avenue, Chicago, IL 60637

4. Defendants, without license or authority, copied, synchronized, distributed, and publicly displayed the Copyrighted Track.

5. These are torts committed outside of New York State.

6. Defendants were put on notice of their infringing activity but elected to continue to infringe after notice.

7. Defendants operate a national organization with chapters in nearly every state, and numerous chapters throughout New York State including chapters in New York City.

8. Established on April 22, 1922, the Lambda Chapter of defendants is a Manhattan-city wide chapter encompassing the campuses of Columbia University, Barnard College, New York University, the City College of New York, Baruch College, Hunter College, and Touro College.

9. Defendants’ Theta Iota Omega chapter encompasses all of Nassau and Suffolk counties.

10. Defendants collect dues from each chapter, including the chapters in New York City and State.

11. Defendants derive substantially all of their revenue from interstate commerce.

12. Plaintiff was injured in New York by defendants’ activities due to the nature of the infringing video created and distributed by defendants. Defendants operate an exclusionary

organization that has been mired in considerable controversy, and numerous well-publicized lawsuits concerning allegations of defendants' exclusionary conduct.

13. Defendants hold themselves out as the oldest black sorority in the country.

14. Plaintiff does not license its copyrighted tracks to any exclusionary group, or any group that is mired in negative conduct concerning civil rights and exclusion.

15. The association of the copyrighted track with defendants' who have repeatedly been accused very publicly of "hot-button" exclusionary conduct has specifically damaged the copyright at issue and plaintiff's ability to license the Copyrighted Track to its significant New York based clientele.

16. The association with defendants has specifically injured plaintiff in this Judicial District.

17. Defendants were put on notice that its infringing activity was having consequences in this state.

18. Defendants elected to continue to infringe, knowing its actions would have consequences in this state.

19. The entire Copyrighted Track was used by defendants to promote its services and overall institution.

20. Jurisdiction is conferred to this Court over defendants pursuant to CPLR § 302(a)(3)(i) and (ii).

VENUE

21. At bar, a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1)-(3).

DUE PROCESS

22. There are no due process concerns in light of the fact that defendants committed an intentional tort knowing its infringing conduct would have consequences in this state.

PARTIES

23. Plaintiff CHARMING BEATS LLC is a limited liability company organized under the laws of Florida with a headquarters located at 75-10 197th St, 2nd Floor, Flushing, NY 11366.

24. Upon information and belief, defendant ALPHA KAPPA ALPHA SORORITY, INC. is a not-for-profit corporation formed under the laws of the District of Columbia with a headquarters located at 5656 South Stony Island Avenue, Chicago, IL 60637.

25. Upon information and belief, defendant ALPHA KAPPA ALPHA EDUCATIONAL ADVANCEMENT FOUNDATION, INC. is a not-for-profit corporation formed under the laws of Illinois with a headquarters located at 5656 South Stony Island Avenue, Chicago, IL 60637.

FACTS

26. Plaintiff is the sole owner by assignment of the original musical recording and composition “*Age of Wonders*” – U.S. Copyright Registration No. SR 713-231 (the “Copyrighted Track”). See **Exhibit 1**.

27. The two (and only) members of plaintiff are the sole authors of the Copyrighted Track.

28. Defendants are national sororal organizations that govern local chapters throughout the United States.

29. In or about May 2018, defendants created a video titled “Building Bridges Together” (the “Infringing Video”).

30. Defendants, without license or authority, copied the Copyrighted Track and synchronized them to the Infringing Video.

31. Defendants, without license or authority, distributed the Infringing Video and publicly displayed it on defendants’ YouTube page located at <<https://www.youtube.com/watch?v=FMbSSuInTk4>>.

32. Defendants infringed plaintiff’s rights pursuant to 17 U.S.C. § 106.

NOTICE

33. Plaintiff went to extraordinary lengths to avoid filing the within Complaint.

34. On September 15, 2021, plaintiff informed defendants that they were infringing plaintiff’s rights to the Copyrighted Track. See **Exhibit 2**.

35. Defendants elected to ignore the September 15, 2021 notice, and continued to infringe.

36. On May 24, 2022, plaintiff, through counsel, demanded defendants cease-and-desist from their infringing conduct. See **Exhibit 3**.

37. Defendants elected to ignore the May 24, 2022 notice, and continued to infringe.

38. For nearly two years defendants were informed of their infringing conduct, yet defendants have refused to remove the Infringing Video.

39. As of the date of this Complaint, the Infringing Video is still active on YouTube.

40. Defendants elected to continue to infringe, despite knowing their use was unlicensed.

41. Defendants infringed plaintiff's exclusive rights as set forth in Section 106 of the Act and plaintiff is entitled to enhanced damages set forth in Section 504(c) based on defendants' lack of any good-faith basis to exploit the Copyrighted Track, its knowledge of its infringing conduct, and/or its failure to comply with multiple notices.

42. Defendants' acts of infringement demonstrate the callous disregard defendants have for their legal responsibilities, and only an award at the top of the statutory scale will serve to stop defendants from routinely violating the Copyright Act.

DMCA VIOLATIONS

43. Defendants removed all copyright management information (the "Copyright Management Information" or "CMI") associated with the Copyrighted Track prior to its unlicensed distribution and public display.

44. Defendants publicly displayed the Infringing Video with no information pertaining to the title, author, or owner of the Copyrighted Track.

45. Defendants removed the CMI with the intent to infringe.

46. Defendants routinely violated 17 U.S.C. § 1202 – the DMCA. Plaintiff is entitled to up to \$25,000 for each violation of the DMCA pursuant to Section 1203 of the DMCA.

FIRST CLAIM FOR RELIEF COPYRIGHT INFRINGEMENT

47. Plaintiff incorporates the allegations contained in the preceding paragraphs as if set forth here at length here.

48. It cannot be disputed that the plaintiff has a valid, registered copyright, and owns all rights to the Copyrighted Track.

49. Defendants without authority from plaintiff, reproduced, distributed, publicly displayed, and/or synchronized plaintiff's Copyrighted Track in its entirety to the Infringing Video.

50. Defendants created and displayed the Infringing Video for the sole purpose of commercial gain.

51. Defendants refused to cease-and-desist after multiple demands from plaintiff directly, and through plaintiff's counsel.

52. Defendants' use of the Copyrighted Track was not for criticism, comment, news reporting, teaching, scholarship, or research.

53. Defendants' use was not transformative.

54. As a direct and proximate result of defendants' infringement of plaintiff's exclusive rights to the Copyrighted Track as set forth in Section 106 of the Act, plaintiff has incurred damages, and requests an award of defendants' profits in excess of plaintiff's compensatory damages, and plaintiff's compensatory damages, plus costs, interest, and reasonable attorneys' fees. Plaintiff may also elect to recover a statutory damage award pursuant to 17 U.S.C. § 504(c)(2) for willful infringement of up to \$150,000, but not less than \$30,000 plus costs, interest, and reasonable attorneys' fees.

**SECOND CLAIM FOR RELIEF
VIOLATION OF DMCA OF 1998, AS AMENDED,
17 U.S.C. §§ 1201, et seq.**

55. Plaintiff incorporates the allegations contained in the preceding paragraphs as if set forth at length here.

56. Plaintiff always distributes its copyrighted recordings, including the Copyrighted Track here, with CMI including the title, author, label, and copyright owner.

57. Defendants removed plaintiff's CMI, and copied, synchronized, publicly displayed, and/or distributed the Copyrighted Track with no CMI.

58. Defendants continued to publicly display the Infringing Video with the false CMI after notice.

59. Defendants violated the DMCA each time it wrongfully distributed the Infringing Video with no CMI and failed to correct the CMI after notice.

60. Defendants did the forgoing with the intent to conceal the infringement.

61. Plaintiff seeks award of statutory damages against each defendant for each violation of Section 1202 of the DMCA in the sum of \$25,000.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against defendants, and awarding plaintiff as follows:

1. restitution of defendants' unlawful proceeds in excess of plaintiff's compensatory damages;
2. compensatory damages in an amount to be ascertained at trial;
3. statutory damages to plaintiff according to proof, including but not limited to all penalties authorized by the Copyright Act (17 U.S.C. §§ 504(c)(1), 504(c)(2));
4. an award of statutory damages for each violation by defendant of the DMCA, 17 U.S.C. § 1202;
5. reasonable attorneys' fees and costs (17 U.S.C. § 505);
6. pre- and post-judgment interest to the extent allowable; and,
7. such other and further relief that the Court may deem just and proper.

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: August 30, 2022
New York, New York

GARBARINI FITZGERALD P.C.



By: _____
Richard M. Garbarini (RG 5496)

Exhibit 1

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
SR 713-231

Effective date of
registration:
October 5, 2012

Title _____

Title of Work: Age of Wonder

Completion/Publication _____

Year of Completion: 2009

Date of 1st Publication: January 1, 2010

Nation of 1st Publication: United States

Author _____

■ Author: John Keith Emanuele

Author Created: sound recording, performance, production, music

Citizen of: United States

Domiciled in: United States

■ Author: Richard Thomas Cupolo

Author Created: sound recording, performance, production, music

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Yesh Music LLC

75-10 197 Street, 2nd Floor, Flushing, NY, 11366, United States

Transfer Statement: By written agreement

Rights and Permissions _____

Organization Name: Yesh Music LLC

Name: John Keith Emanuele

Email: americandollarband@yahoo.com

Telephone: 646-552-3011

Address: 75-10 197 Street

2nd Floor

Flushing, NY 11366 United States

Certification _____

COPYRIGHT ASSIGNMENT

Owner: Yesh Music LLC

Address: 15 Middleton Rd., Garden City, New York

FOR GOOD AND VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, Owner hereby transfers and assigns to Charming Beats LLC (hereafter "Company"), located at 2812 Hickory Ridge Drive, Lakeland, FL., and to Company's successors and assigns in perpetuity, One Hundred Percent (100%) of the entire right, title and interest in and to:

1. the entire copyright to the below works (hereafter, "the Works");

A LONG GOODBYE – SELF-TITLED ALBUM BONUS TRACK
A MEMORY STREAM
AMBIENT ONE
AMBIENT TWO
AMBIENT THREE
ATLAS
AWAKE IN THE CITY
BSIDES
FROM THE INLAND SEA
LIVE IN BROOKLYN
NEAR EAST – ATLAS BONUS TRACK
THE AMERICAN DOLLAR
THE TECHNICOLOUR SLEEP
4 BC
CHILL KINGDOM
WUDAO
LOST SYMPHONY
HIGH SUNSET
LOOKING UP, WE DANCED
GUIDED BY THE GLOWING SEA
CAROUSEL
PATH OF TOTALITY
THUNDER RISING
A SERIOUS QUESTION
A MOMENT BETWEEN US
EVERYTHING
UP
ACROBATS
DISTANCE TO GIBRALTAR
DREAMSCAPE
EYES CLOSING
FALLS
GHOSTS
MIND DRIFTING
MOSAIC

NEIGHBORHOOD
PARAGON
PAUSE
SEA OF ROSES
UNDER A WARM RAIN, ET AL. (LOFI DIMENSIONS)
VONDELPARK (NOON)
VONDELPARK (NIGHT)
WAKE UP SUMMER
AGE OF WONDER
AGE OF WONDER (AMBIENT)
ANYTHING YOU SYNTHESIZE (AMBIENT)
ANYTHING YOU SYNTHESIZE
AS WE FLOAT
AS WE FLOAT (AMBIENT)
BUMP (AMBIENT)
BUMP
CALL
CAMBIAN
CHASE
CHILLPOINT BREAK
CIRCUITS
CIRCUITS (AMBIENT)
CLONES
CROSSING ASIA
CROSSING ASIA (AMBIENT)
DAYTRIP
DEA (AMBIENT)
DEA
EQUINOX
EQUINOX (AMBIENT)
ESCAPIST
ETHER CHANNELS
ETHER CHANNELS (AMBIENT)
EVERYONE GETS SHOT
FACES IN THE HAZE
FACES IN THE HAZE (AMBIENT)
FACES IN THE HAZE (FILM EDIT)
FADE IN OUT
FADE IN OUT (AMBIENT)
FAR ADRIFT
A FEW WORDS
A FEW WORDS (AMBIENT)
FIRST DAY
FIRST DAY (AMBIENT)
FLOOD
FLOOD (AMBIENT)

FRIENDS OF FRIENDS
FRIENDS OF FRIENDS (AMBIENT)
FRONTIER MELT
GLOW
HEAVY EYES IGNITE
HEAVY EYES IGNITE (AMBIENT)
INTERMISSION
INTRO
LANDING (AMBIENT)
LANDING
LIGHTS DIM (AMBIENT)
LIGHTS DIM
A LONG GOODBYE
LONG MARCH
NEAR EAST (AMBIENT)
NEAR EAST
OIL AND WATER
OIL AND WATER (AMBIENT)
ORACLE
ORACLE (AMBIENT)
OUR HEARTS ARE READ
PALESTINE
PAR AVION
PAR AVION (AMBIENT)
PETERSON
RAIDED BY WAVES
RED LETTER
RED LETTER (AMBIENT)
RUDIMENTS OF A SPIRITUAL LIFE (AMBIENT)
RUDIMENTS OF A SPIRITUAL LIFE
SANDS
SCHIPOL
SECOND SIGHT
SECOND SIGHT (AMBIENT)
SEPARATE BUT EQUAL
SHADOWS
SHADOWS (AMBIENT)
SIGNALING THROUGH THE FLAMES (AMBIENT)
SIGNALING THROUGH THE FLAMES
SIGNALING THROUGH THE FLAMES (FILM EDIT)
THE SLOW WAIT (PART ONE)
THE SLOW WAIT (PART TWO)
THE SLOW WAIT (PART ONE) (AMBIENT)
THE SLOW WAIT (PART TWO) (AMBIENT)
SOMNAMBULANCE
STARSCAPES (AMBIENT)

STARSCAPES
 STEELTOWN (AMBIENT)
 STEELTOWN (PART ONE)
 STEELTOWN (PART TWO)
 STRINGS
 STRINGS (AMBIENT)
 SUMMER OF WAR
 SUPERNOVA LANDSLIDE
 THE SWAMP
 THE TECHNICOLOUR SLEEP
 THOMPSON
 TIME (AMBIENT)
 TIME
 TIME (FILM EDIT)
 TONIGHT, LET'S ALL MAKE LOVE IN LONDON
 TRANSCENDENCE (AMBIENT)
 TRANSCENDENCE
 TWELVE DAYS AWAKE
 UNDERGROUND
 URBANA
 URBANA (AMBIENT)
 WAR ON CHRISTMAS
 WE'RE HITTING EVERYTHING (AMBIENT)
 WE'RE HITTING EVERYTHING
 WHERE WE ARE (AMBIENT)
 WHERE WE ARE
 MIRROR VOYAGE
 COSMIC WAVE
 LOFI DIMENSIONS 2

2. the Owner's interest in and to the below Copyright Registrations, along with any renewals and extensions thereof, relating to the Works;

COPYRIGHT REG. NO.	TITLE OF COPYRIGHTED WORK
PAu 3-452-712	A MEMORY STREAM
SR 677-648	AMBIENT ONE
SR 679-263	AMBIENT TWO
SRu 1-084-375	AMBIENT THREE
SR 677-194	ATLAS
SR 677-647	FROM THE INLAND SEA
SR 677-646	LIVE IN BROOKLYN
PA 1-306-744	THE AMERICAN DOLLAR
PA 1-346-426	THE TECHNICOLOUR SLEEP
SRu 1-278-417	4 BC

SR 795-327	CHILL KINGDOM
SR 796-458	WUDAO
SR 798-499	LOST SYMPHONY
SR 801-234	HIGH SUNSET
SR 803-421	LOOKING UP, WE DANCED
SR 804-344	GUIDED BY THE GLOWING SEA
SR 806-312	CAROUSEL
SR 808-109	PATH OF TOTALITY
SR 808-786	THUNDER RISING
SR 809-389	A SERIOUS QUESTION
SR 810-547	A MOMENT BETWEEN US
SR 811-469	EVERYTHING
SR 813-285	UP
SRu 1232326	ACROBATS
SRu 1232320	DISTANCE TO GIBRALTAR
SR 848018	DREAMSCAPE
SR 848013	EYES CLOSING
SRu 1232318	FALLS
SRu 1232312	GHOSTS
SR 848014	MIND DRIFTING
SRu 1232321	MOSAIC
SRu 1232324	NEIGHBORHOOD
SRu 1232323	PARAGON
SRu 1232311	PAUSE
SRu 1417220	SEA OF ROSES
SR 870953	UNDER A WARM RAIN, ET AL.
SRu 1232329	VONDELPARK (NOON)
SRu 1232331	VONDELPARK (NIGHT)
SRu 1232314	WAKE UP SUMMER
SR 713-231	AGE OF WONDER
SR 713-737	AGE OF WONDER (AMBIENT)
SR 713-314	ANYTHING YOU SYNTHESIZE (AMBIENT)
SR 713-287	ANYTHING YOU SYNTHESIZE
SR 708-480	AS WE FLOAT
SR 708-466	AS WE FLOAT (AMBIENT)
SR 713-301	BUMP (AMBIENT)
SR 713-282	BUMP
SR 713-281	CALL
SR 708-510	CAMBIAN

SR 713-291	CHASE
SR 708-528	CHILLPOINT BREAK
SR 713-237	CIRCUITS
SR 713-745	CIRCUITS (AMBIENT)
SR 713-238	CLONES
SR 708-486	CROSSING ASIA
SR 708-465	CROSSING ASIA (AMBIENT)
SR 708-497	DAYTRIP
SR 713-303	DEA (AMBIENT)
SR 713-226	DEA
SR 713-239	EQUINOX
SR 713-747	EQUINOX (AMBIENT)
SR 713-278	ESCAPIST
SR 708-489	ETHER CHANNELS
SR 708-538	ETHER CHANNELS (AMBIENT)
SR 708-504	EVERYONE GETS SHOT
SR 708-492	FACES IN THE HAZE
SR 708-494	FACES IN THE HAZE (AMBIENT)
SR 708-458	FACES IN THE HAZE (FILM EDIT)
SR 713-232	FADE IN OUT
SR 713-739	FADE IN OUT (AMBIENT)
SR 708-460	FAR ADRIFT
SR 713-230	A FEW WORDS
SR 713-735	A FEW WORDS (AMBIENT)
SR 708-490	FIRST DAY
SR 708-540	FIRST DAY (AMBIENT)
SR 713-277	FLOOD
SR 713-752	FLOOD (AMBIENT)
SR 708-477	FRIENDS OF FRIENDS
SR 708-463	FRIENDS OF FRIENDS (AMBIENT)
SR 713-276	FRONTIER MELT
SR 708-511	GLOW
SR 708-491	HEAVY EYES IGNITE
SR 708-473	HEAVY EYES IGNITE (AMBIENT)
SR 713-283	INTERMISSION
SR 713-290	INTRO
SR 713-756	LANDING (AMBIENT)
SR 708-547	LANDING
SR 713-321	LIGHTS DIM (AMBIENT)
SR 713-284	LIGHTS DIM

SR 713-763	A LONG GOODBYE
SR 713-217	LONG MARCH
SR 713-755	NEAR EAST (AMBIENT)
SR 713-764	NEAR EAST
SR 713-234	OIL AND WATER
SR 713-743	OIL AND WATER (AMBIENT)
SR 708-475	ORACLE
SR 708-467	ORACLE (AMBIENT)
SR 713-286	OUR HEARTS ARE READ
SR 713-228	PALESTINE
SR 708-493	PAR AVION
SR 708-470	PAR AVION (AMBIENT)
SR 713-220	PETERSON
SR 713-227	RAIDED BY WAVES
SR 713-235	RED LETTER
SR 713-746	RED LETTER (AMBIENT)
SR 713-307	RUDIMENTS OF A SPIRITUAL LIFE (AMBIENT)
SR 708-503	RUDIMENTS OF A SPIRITUAL LIFE
SR 708-461	SANDS
SR 708-548	SCHIPOL
SR 713-241	SECOND SIGHT
SR 713-749	SECOND SIGHT (AMBIENT)
SR 713-218	SEPARATE BUT EQUAL
SR 713-233	SHADOWS
SR 713-740	SHADOWS (AMBIENT)
SR 713-308	SIGNALING THROUGH THE FLAMES (AMBIENT)
SR 708-500	SIGNALING THROUGH THE FLAMES
SR 713-318	SIGNALING THROUGH THE FLAMES (FILM EDIT)
SR 713-279	THE SLOW WAIT (PART ONE)
SR 713-280	THE SLOW WAIT (PART TWO)
SR 713-311	THE SLOW WAIT (PART ONE) (AMBIENT)
SR 713-313	THE SLOW WAIT (PART TWO) (AMBIENT)
SR 708-508	SOMNAMBULANCE
SR 713-297	STARSCAPES (AMBIENT)
SR 713-289	STARSCAPES
SR 708-541	STEELTOWN (AMBIENT)

SR 708-536	STEELTOWN (PART ONE)
SR 708-488	STEELTOWN (PART TWO)
SR 708-487	STRINGS
SR 708-472	STRINGS (AMBIENT)
SR 713-225	SUMMER OF WAR
SR 713-223	SUPERNOVA LANDSLIDE
SR 713-222	THE SWAMP
SR 708-501	THE TECHNICOLOUR SLEEP
SR 713-221	THOMPSON
SR 713-315	TIME (AMBIENT)
SR 713-225	TIME
SR 713-319	TIME (FILM EDIT)
SR 708-499	TONIGHT, LET'S ALL MAKE LOVE IN LONDON
SR 713-316	TRANSCENDENCE (AMBIENT)
SR 713-285	TRANSCENDENCE
SR 708-514	TWELVE DAYS AWAKE
SR 708-457	UNDERGROUND
SR 708-478	URBANA
SR 708-464	URBANA (AMBIENT)
SR 708-513	WAR ON CHRISTMAS
SR 713-305	WE'RE HITTING EVERYTHING (AMBIENT)
SR 713-288	WE'RE HITTING EVERYTHING
SR 713-759	WHERE WE ARE (AMBIENT)
SR 708-549	WHERE WE ARE
SR0000893216	MIRROR VOYAGE
SR0000886380	COSMIC WAVE
SR0000888981	LOFI DIMENSIONS 2

3. any copyright applications presently pending at the time of execution of this agreement and any resulting registrations therefrom;
4. all works based upon, derived from, or incorporating the Works;
5. all income, royalties, damages, claims and payments now or hereafter due or payable with respect to the Works;
6. all causes of action, either in law or in equity, for past, present, or future infringement of copyright related to the Works, and
7. all rights corresponding to any of the foregoing, throughout the world.

All authorship of the Works, including music, lyrics, recording production, sound recordings, performance rights and any and all other authorship interests of any kind are hereby transferred to the Company.

This Assignment includes the assignment of all rights, including copyright, to any modifications or other alterations to the Works that the Owner makes under this Agreement or any other agreement between Owner and the Company.

IN WITNESS THEREOF, Owner duly executes this Agreement.

By: [Signature]
John Keith Emanuele on behalf of Owner

8/30/21
Date

STATE OF NEW YORK)
) SS.:
COUNTY OF Queens)

Before me on this 30 day of August, 2021, personally appeared John Keith Emanuele, to me known to be the person who is described in and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein express.

[Signature]
NOTARY PUBLIC

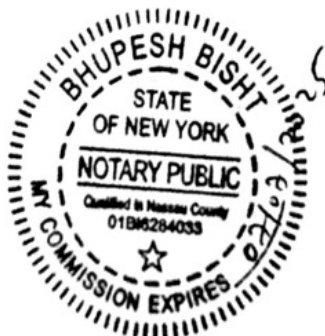


Exhibit 2

Charming Beats <contact@charmingbeats.com>

9/15/2021 2:24 PM

licensing

To exec@aka1908.com <exec@aka1908.com>

Hello,

we noticed Alpha Kappa Alpha is displaying video content paired with the music of The American Dollar, whom we represent. We do not have any record of granting a license for these pieces, we request that you kindly forward your license information for the use of their music to our email address: contact@charmingbeats.com

<https://www.youtube.com/watch?v=FMbSSuInTk4>

Thank You,
Charming Beats Licensing
Queens, NY

Exhibit 3

GF

GARBARINI FITZGERALD P.C.

250 Park Avenue
7th Floor
New York, New York 10177
Phone: 212.300.5358
Fax: 888.265.7054
www.garbarinilaw.com

May 24, 2022

**NOTICE OF LITIGATION
DEMAND TO CEASE AND DESIST
DEMAND TO PRESERVE DOCUMENTS**

VIA EMAIL To: exec@aka1908.com; akaeaf@akaeaf.net; eeverett@akaeaf.net;
exec@aka1908.com

FIRST-CLASS MAIL

Erika Everett
Executive Director
Alpha Kappa Alpha Educational
Advancement Foundation, Inc.
5656 South Stony Island Avenue
Chicago, IL 60637

Cynthia D. Howell
Alpha Kappa Alpha Sorority, Inc.
5656 South Stony Island Avenue
Chicago, IL 60637

Re: Charming Beats LLC. adv. Alpha Kappa Alpha Sorority, Inc. and Alpha Kappa
Alpha Educational Advancement Foundation, Inc. (collectively “AKA/EAF”)

Ladies:

I represent Charming Beats LLC the sole owner of the copyrighted recording and composition titled “Age of Wonders” – U.S. Copyright Registration No. SR 713-231 (the “Copyrighted Track”). AKA/EAF, without license or authority, copied and synchronized the Copyrighted Track to an infringing advertisement titled “AKA/HBCU4LIFE Virtual Brunch” (the “Infringing Advertisement”). AKA/EAF also distributed the Infringing advertisement to YouTube where it was publicly displayed on AKA’s YouTube page located at <https://www.youtube.com/watch?v=FMbSSuInTk4>.

At no time did AKA/EAF have a license to synchronize, distribute, or publicly display the Copyrighted Track. AKA/EAF was informed of the fact that there was no license by email

from my client dated September 15, 2021; AKA/EAF failed to respond. We are aware AKA/EAF received the notice, but it must remedy the infringement.

On that point, AKA/EAF has infringed my client's exclusive rights to the Copyrighted Track as set forth in Section 106 of the U.S. Copyright Act. Normally, this is where I would explain at length everything my client is entitled due to AKA/EAF's acts of infringement. However, due to a close relationship I would greatly prefer not to be adverse with either AKA or EAT. I have convinced my client to allow me to offer a retro-active license, on the condition this matter is resolved this week.

Kindly contact me at rgarbarini@garbarinilaw.com or at 212.300.5358, no later than 3:00 pm on May 27, 2022. I cannot stress enough, that your failure to contact me to discuss a resolution will leave me with no choice but to file against AKA/EAF in the Federal Court for the Eastern District of New York. In the interim, AKA and EAF are required to preserve all documents including web pages, in their original condition, or face a possible spoliation charge at the trial of this action.

GARBARINI FITZGERALD P.C.

By: Richard M. Garbarini
Richard M. Garbarini