



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0315
December 22, 2023

Stephanie McGuire, ms

CLAIMANT

v.

Steve Knutson, Tom Lee, and Brian McPherson

RESPONDENTS

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **January 22, 2024**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Proper Respondents

You have raised a claim of copyright infringement before the Board, naming three respondents: Steve Knutson (Knutson), Tom Lee (Lee), and Brian McPherson (McPherson). For each respondent you name as an alleged infringer, you must state allegations regarding that respondent's allegedly infringing activity. You have not stated or shown that McPherson engaged in any infringing act.

You describe the allegedly infringed work as a “[p]hoto of Arthur Russell sitting cross legged on the beach with a microphone.” In the “Where the alleged infringing acts occurred” section of the claim, you indicate that the photograph appeared “on the back the Arthur Russell Corn CD cover,” as well as on Instagram and in several online music publications, and that Tom Lee “has told me he has lost track of how many times they have used this photo without telling me or giving me credit or compensation.” In the “Describe the infringement” section, you state, “Tom Lee and Steve Knutson have knowingly used this photo over and over again, without my knowledge or permission, claiming that Tom Lee took [the photograph].” Text messages submitted in supplemental documents indicate that both Lee and Knutson may have played roles in the release of the allegedly infringing “Corn” CD.

By contrast, your allegations about McPherson are that he is Lee and Knutson's lawyer, and that he called you "spiteful" when you asked them to cease infringement. You do not indicate that he engaged in any infringing act.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display the work, and to make a "derivative work," which is a work based on the original work. Someone who does one of those activities without the copyright owner's permission may be infringing the copyright, unless the use is otherwise authorized. Your claim does not state facts that clearly describe McPherson copying, distributing, or displaying the photograph, or participating in making a derivative work based on the photograph. You have not stated enough facts explaining allegedly infringing activities by McPherson so that he can understand the nature of the claim against him.

If you file an amended claim, it must include allegations that state or show how each named respondent engaged in infringing activity. You must provide specific details regarding particular infringing acts by each respondent. Alternatively, if McPherson did not participate in any infringing act, you should omit him from your amended claim.

In addition, all participants in a Board proceeding, including parties and their representatives, are required to meet certain basic standards of conduct. 37 C.F.R. § 232.1. These standards include acting with the highest degree of respect for others. If you fail to meet these standards and instead act in bad faith, the Board may impose financial penalties on you or even ban you from bringing new claims before the Board. 37 C.F.R. § 232.4. Bad-faith conduct includes violating those standards of conduct, or making a claim or taking any actions in support of a claim for some inappropriate purpose, such as to harass someone. Your claim includes allegations unrelated to copyright that attack the reputation of a respondent regarding alleged drug use. In your amended claim, please only include allegations directly related to your copyright infringement dispute. You are permitted to submit a document or other information to the Board, make a claim, or take a position before the Board only if you have a legitimate reason for doing so.

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the "**Amend claim**" button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the "**Documentation**" page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the "**Review**" page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select "**Edit**" to revise any entries necessary. Each section of information has an "**Edit**" button, which will take you back to that section so you can make changes. After you make changes, you can click "**Save & review**"

to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.

5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney