



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0188
May 27, 2025

Daniel L Frost

CLAIMANT

v.

Christopher M Doig

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **June 26, 2025**. 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.

Copyright Infringement — Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough facts about how the respondent used your exclusive rights, how the respondent’s work is substantially similar to your work, or when the alleged activities occurred and when you discovered them. Please provide more details and background regarding these elements in your amended claim.

Infringing Activity — Clarity

Your claim does not present enough facts to clearly state how each respondent used any exclusive rights you have in the allegedly infringed work without permission. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly perform 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 they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

In your claim, you provided “SR0001004568” as the registration number of the work. This registration number corresponds to the sound recording of the album “Up in the Sky...By Dan Frost.” You describe the infringement as “[p]lagiarized content of lyrics and melody.” However, a Board search of Copyright Office records shows that the scope of your registration only covers the sound recording of each song included with the album, meaning it does not extend to any musical works embodied in the sound recordings. When you record a song, you may be creating two works that are protected by copyright: a musical work and a sound recording. A sound recording and the music, lyrics, words, or other content included in the recording are separate copyright-protected works. These works are subject to different rules and are commonly owned and licensed separately. A musical work is a song’s underlying composition along with any accompanying lyrics. A sound recording is a series of musical, spoken, or other sounds fixed in a recording medium, such as a CD or digital file. If you file an amended copyright infringement claim, please include a more detailed description about how you claim your **sound recording** was used by the respondent, including what part of each song was used. Information about those two different kinds of copyright works is available in [Circular 56A: Copyright Registration of Musical Compositions and Sound Recordings](#) and in [What Musicians Should Know about Copyright](#). If, instead, you are solely alleging infringement of an underlying musical work(s), you would need to apply for copyright registration on that/those work(s) (to the extent you do not already have a registration applied for before you filed this claim) and then refile your claim as a new claim as you must have a copyright registration or pending application for registration on any work which you claim was infringed before filing a claim.

Additionally, the registration indicates that the respondent is the co-author and potentially co-owner of the work. If two or more people contribute to a work, with the intention that their contributions will be merged into a single work, they are considered “joint authors” of that work. Any of the owners of the copyright in a joint work can enforce the copyright or give permission to others to use their rights. While there are potential types of claims that co-owners of a work could have against each other, copyright infringement is not one of them. Therefore, claims between co-owners of a work are not suitable for the CCB. See [Chapter 500](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

To correct these issues, if you wish to continue alleging infringement of a sound recording, you will need to

clarify how the respondent used one of the exclusive rights in your sound recording without your permission and explain why he is not a co-owner of the work. Your amended claim must include facts in the “Describe the infringement” section that (1) specify how the respondent infringed your sound recording, (2) clarifies the ownership of the work, and (3) describe the allegedly infringing acts of the respondent. You should be as detailed as possible, setting forth what the respondent did in relation to the songs from the album you allege were infringed. If you maintain that the respondent infringed the music and lyrics of the album, you will need to provide a registration that covers the music authorship.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the respondent’s allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar.

Your claim states that your work is a sound recording. However, you do not provide any information describing or depicting your work. No allegations in the “Describe the infringement” field of the claim describe your work or the allegedly infringing work, or state or show how they are identical or substantially similar. As described above, melody and lyrics are elements protected by a copyright in the musical composition; the scope of your registration only covers the sound recording of the album but does not extend to any musical works embodied in the sound recordings.

To bring a claim of copyright infringement of a sound recording, the allegedly infringing work must contain actual sounds recorded in the allegedly infringed sound recording. If you maintain the allegations that the infringing activity is the creation of a derivative work based on your sound recording, your amended claim must allege facts that show that the respondent rearranged, remixed, or in other ways reproduced or altered the actual sounds embodied in your sound recording, because for sound recordings, the right to prepare derivative works is limited to such acts. See 17 U.S.C. § 114(b) (the exclusive rights to make copies and derivative works of a sound recording “do not extend to the making or duplication of another sound recording that consists entirely of an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording.”)

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other. More information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Statute of Limitations

Your claim includes facts that indicate that you may have discovered the alleged infringement in 2020. If you do not allege any infringing act that occurred in the last three years or give reasons why it was reasonable that you did not discover the claim until the last three years, the claim will be barred by the statute of limitations.

A “statute of limitations” is a time limit set by law for starting a claim. The statute of limitations period for copyright claims, both in federal court and the Board, is three years after the claim “accrues.” 17 U.S.C. §§ 507(b) & 1504(b)(1). A claim for copyright infringement accrues when the infringing act occurs, or when the claimant discovers, or reasonably should have discovered, the infringement. *Starz Entertainment LLC v. MGM Domestic TV Distrib., LLC*, 39 F.4th 1236, 1239-41 (9th Cir. 2022); *Motorola Solutions, Inc. v. Hytera Communications Corp., Ltd.*, 108 F.4th 458, 479 (7th Cir. 2024). A proceeding before the Board cannot be commenced more than three years after the claim accrued. 17 U.S.C. § 1504(b)(1).

In your claim, you state that the infringement starting May 20, 2020, and is ongoing. As mentioned above, it appears that you and the respondent have a previous relationship spanning several years and it is unclear from the information provided in your claim when the infringement began, and you do not provide any information about when you discovered the alleged infringement. Only allegedly infringing acts that took place or that you should have reasonably discovered on or after May 17, 2022, three years before the day that you filed the claim with the Board, would fall within the statute of limitations period.

If you file an amended claim, you will need to clarify whether respondent’s infringing activity occurred within the past three years or you can give a credible explanation as to why you did not discover the alleged infringement until the last three years and it was not reasonable for you to have discovered additional infringements before that time frame.

Noninfringement Claim — Statue of Limitations

A claim for a declaration of noninfringement asks the Board to find that your actions do not amount to an infringement of the respondent’s copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe.

In your claim you state that the respondent has accused you of “using his guitar parts in sound recordings produced by him” and list the dates of the accused infringement as “2014-present.” As mentioned above, a “statute of limitations” sets a time limit within which the party bringing a dispute must begin legal proceedings. The statute of limitations for claims involving declarations of noninfringement is three years from the time of the activities involved in the claim. In your claim you state that the respondent “retaliated by first harassing and threatening me via multiple email accounts after I had blocked him, the emailed me a cease and desist to stop using sound recordings he produced in 2006 of my songs as part of a school project for his degree,” but do not state when you received cease and desist letter from the respondent.

To correct this issue, you must include additional information about when you received the cease and desist letter. If the cease and desist was not sent within the last three years, the claim could be barred by the statute of

limitations and you should further describe what threats respondent has made against you in the last three years and why your activities make you believe that you continue to be in danger of a copyright infringement claim from the respondent.

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 Board