



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0388

February 9, 2024

Kimberly Marasco

CLAIMANT

v.

Taylor Swift Productions, Inc

RESPONDENT

ORDER DENYING REQUEST FOR LEAVE TO AMEND CLAIM AND DISMISSING CLAIM WITHOUT PREJUDICE

Claimant Kimberly Marasco (“Marasco”) initiated this proceeding against respondent(s) on November 17, 2023. On November 27, 2023, the Copyright Claims Board issued a noncompliance order that notified him that the claim did not comply with the applicable statutory and regulatory requirements for filings before the Board. [37 C.F.R. § 224.1\(C\)\(2\)](#). Marasco submitted an amended claim on November 27, 2023. The Board again found it noncompliant and issued a second noncompliance order on December 15, 2023. On January 10, 2024, Marasco submitted a second amended claim, which was their final opportunity to submit a compliant claim. [17 U.S.C. § 1506\(f\)\(1\)\(B\)](#); [37 C.F.R. § 224.1\(d\)](#). In an email to the Board on January 11, 2024, Marasco stated that they had additional information for the Board to consider along with their second amended claim. The Board provided information about how to file a request leave to amend claim on eCCB. In lieu of filing a Request for Leave to Amend, Marasco filed a document entitled “Revised amended claim” containing the additional allegations and comparisons of alleged similarities between the claimant’s work and the respondent’s lyrics on January 16, 2024.

A Copyright Claims Attorney reviewed the second amended claim and “Revised amended claim” document and concluded that the claim not provide enough facts about how the respondent had access to the allegedly infringed work and how the respondent’s work is substantially similar to the creative expression in the allegedly infringed work.

The Copyright Claims Attorney referred the second amended claim to a Copyright Claims Officer to confirm that it does not comply with the applicable statutory and regulatory requirements, and that this proceeding should therefore be dismissed without prejudice. [17 U.S.C. § 1506\(f\)\(1\)\(B\)](#). The Copyright Claims Officer has reviewed the second amended claim, and concurs with the finding of noncompliance. With respect to access, the amended claim does not allege facts that show that respondent had a reasonable possibility, and not merely a bare possibility, of viewing the protected work. *Murray Hill Publ'ns., Inc. v. Twentieth Century Fox Film Corp.*, 361 F.3d 312, 316 (6th Cir. 2004). With respect to substantial; similarity, the amended claim does not identify similarities between the protectable elements of the claimant’s work and the allegedly infringing work. *Kobus v. Mariol*, 328 F.3d 848, 855 (6th Cir. 2003). The claimant has identified several concepts as well as random words that she asserts are common to her poems and respondent’s lyrics. However, “[i]t is the expressions of the ideas, not the general concepts, that are to be examined particularly, because ideas themselves and general concepts are not copyrightable.” *Mihalek Corp.*

v. Michigan, 814 F.2d 290, 294 (6th Cir. 1987).

Accordingly, the Copyright Claims Board denies the Marasco's request for leave to amend the claim and dismisses this proceeding without prejudice and closes this case. Dismissal without prejudice means that the claimant may raise the allegations again by filing a new claim.

Copyright Claims Board