



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0330

January 7, 2025

Michael A Angus

CLAIMANT

v.

Paramount Playas

RESPONDENT

## SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

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

If you wish to proceed with this claim, you must file a second amended claim by **February 6, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended 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 amended claim does not provide enough facts about how the creative elements in the respondent’s work

are substantially similar to the creative elements in your work. Please provide more details and background regarding this element in your amended claim.

### **Substantial Similarity**

In your amended claim, you allege that your novel “Billy & Ele Key To The Enchanted Lake” (“Key to the Enchanted Lake”) is infringed by a Paramount Playa’s movie “Dora the Explorer City of Gold, 2019” (“City of Gold”). In your amended claim, you state that the “intellectual property I came up with was duplicated and reformatted into the movie [‘City of Gold’]. You state that the respondent used from excerpts from your Instagram Mikepen87. However, your amended claim does not clearly identify enough substantial similarity between original elements of expressive material in “City of Gold” and in “Key to the Enchanted Lake” that copyright protects. 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 amended claim includes a nine-page document titled “[Media.M.A.A.4151987.pdf](#)” (Media Document) that seems to compare the two works. Although the document contrasts scenes (including timestamps) in “City of Gold” and with those in “Key to the Enchanted Lake,” it shows only similarities in general ideas. The Media Document does not show that the works are substantially similar with respect to expressive material. If you amend your claim again, you will need to provide concrete allegations explaining how the two works are substantially similar in the expression, or written words contained in the works.

In the Media Document, you list plot elements that the works have in common such as an “adult character giving the map to the young boy”, “lost treasure hundreds of years old,” and “after eluding danger, protagonist characters enter cave.” These are common elements found in works about searching for lost treasure, and copyright does not protect stock characters, settings, and events that are common to a particular subject matter. For more information on this concept, known as *scènes à faire*, please see Section 313.4(I) in [Chapter 300](#) of the Compendium of U.S. Copyright Office Practices, Third Edition (“Compendium”). Copyright law protects original elements of expression, not ideas that are common or necessary to a particular genre.

It is not sufficient to contend that many similarities exist without specifics. You have not provided enough information to enable the respondent and the Board to understand the nature of the claim. In order to move your claim forward, you are not required to numerous pages of detailed descriptions, but you must describe or show enough facts to indicate that substantial expressive material was taken. Include a clear, detailed statement regarding the expression in your work that was taken by the respondents 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.

## Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the November 22, 2024 Order to Amend Noncompliant Claim. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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](mailto: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.