



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0084

March 14, 2025

Film Editing Pro Inc. and Christopher MacDonald

CLAIMANTS

v.

Creative Course

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 **April 14, 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.

### Legal or Beneficial Ownership

You are raising a claim of copyright infringement. The “Works infringed” section of your claim lists an allegedly infringed motion picture or audiovisual work that you describe as an online course teaching video editing. You identify the author of the work as Film Editing Pro Inc. (FEPI), the copyright owner identified in the copyright registration, and you state that Christopher MacDonald (MacDonald) is a co-owner, and that the work is “100% owned by me and my company.” However, the registration does not list MacDonald as an owner and your claim does not explain how MacDonald is a proper claimant to bring this infringement claim, rather than FEPI. If you submit an amended claim, it must clarify the discrepancy.

To bring a copyright infringement claim before the Board, each claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement.” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. A claimant who is not a named copyright owner of the allegedly infringed work

must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

When you submitted your claim, you certified that both FEPI and MacDonald are legal or beneficial owners of rights in the allegedly infringed work. However, the Copyright Office registered the work under only FEPI's name. It appears that you identified MacDonald and FEPI as co-authors of the work in correspondence with the Copyright Office, but that does not indicate that MacDonald personally owns any copyright interest in the work. The registration certificates list MacDonald as an author of the registered works, but FEPI is the only copyright claimant listed. The registration certificates also list FEPI as an author as "employer for hire." For legal purposes, the author of a "work made for hire" is not the individual who actually created the work. Instead, the party that employed or commissioned the individual to create the work is considered both the author and the copyright owner of the work. More information is available in [Circular 30: Works Made for Hire](#).

If information in the claim identifying either claimant or the author of the work is inaccurate, you may correct that information in an amended claim. For example, if FEPI is the owner and author of the registered work as a "work made for hire," the amended claim should name FEPI as the only claimant and omit MacDonald from the "Claimants" section. To name an organization as the only claimant, you will need to change your eCCB user type from "self-represented party" to "authorized company representative" before amending your claim and re-entering the information.

However, if MacDonald personally is a copyright owner, the amended claim must include specific allegations about how MacDonald owns, or has an exclusive license to use, the exclusive rights at issue. You can do this either by adding facts to the "Describe the infringement" section explaining how MacDonald owned exclusive rights in the work at the time of the infringement, or by submitting supplemental documents. For example, you may describe MacDonald's relationship with FEPI and state how MacDonald obtained legal or beneficial ownership of copyright, such as by assignment or exclusive license, or include supplemental documents demonstrating MacDonald's legal or beneficial ownership. If you include copies of an assignment or license as a supplemental document, they must be clearly labeled and identified.

### **Allegedly Infringed Work**

Your claim includes unclear information identifying your allegedly infringed work. Only one work, titled "The Art of Trailer Editing," is listed in the "Works infringed" section of the claim. However, in the "Describe the infringement" section, you state that two allegedly infringed works are at issue, without naming the other work. If you file an amended claim, it must either omit the reference to another allegedly infringed work, or provide all the information required about that work in a separate entry in the "Works infringed" section.

## Access

Your claim does not provide facts about how the respondent had access to your work(s). “Access” means a reasonable opportunity to view or copy your work(s) before the alleged infringement took place. In your claim, you state that “[t]his company gathers and resells online courses from many companies, including mine,” but you do not detail where any of your works were publicly available or present facts that indicate how it is reasonably likely that the respondent had access to your work(s).

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work(s) (a) were sent directly to the respondent or a close associate of the respondent; (b) were widely disseminated or were available to the respondent; or (c) are so strikingly similar to the respondent’s work that the respondent could not have created it independently. Alternatively, you can upload copies of your work(s) and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. 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.

## Substantial Similarity

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

Your claim states that your work is an “online course teaching video editing.” It appears that you are alleging that the respondent is reselling or distributing your course online, but you have not included any allegations in the “Describe the infringement” field of the claim that describe your work(s), the respondent’s work, or how they are identical or substantially similar. In addition, you have not provided a copy of your work(s) or the respondent’s work as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

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(s) 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, then as discussed above, 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.

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](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.

Copyright Claims Attorney