



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0200  
July 17, 2024

Cross the Line LLC, Logan Cross, Loshley LLC

CLAIMANTS

v.

Robert Henry

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 **August 16, 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.

### 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 several elements further described below. Please provide more details and background regarding these elements in your amended claim.

## Legal or Beneficial Ownership

Your claim provides conflicting facts about the claimant's status as a legal or beneficial owner of the allegedly infringed work. To bring a copyright infringement claim before the Board, the 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 an author or 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.

The claim does not present facts that indicate that Loshley LLC and Cross the Line LLC are proper claimants. A Board search of Copyright Office Records shows Logan Cross, an individual, is listed as author and copyright claimant in the registration of the allegedly infringed work; however, Loshley LLC and Cross the Line LLC have been named as claimants in the proceeding. As noted above, a claimant who is not an author or 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. The contact information included with the registration (“PAu003671681”) and claim indicates that Loshley LLC and Cross the Line LLC may be LLCs owned by Logan Cross. Even though Cross may be the owner of Loshley LLC and Cross the Line LLC, the law considers LLCs to be separate legal entities from the individuals who own them. Because the copyright claimant listed on the registration certificate is not the entity named as claimant in the proceeding and you have not included any additional information about the ownership of the copyright rights, your claim may not proceed.

To correct this issue, you can either (1) amend the claim to name Logan Cross (as an individual) solely as the claimant or (2) provide additional information about how the copyright was transferred from, or exclusively licensed by Logan Cross to the two LLCs and state how all three are proper claimants (as opposed to one or two of them). To name an individual claimant, you will need to edit the claimant section and select “individual” for the “Is the claimant an organization or an individual?” and re-enter the information. You will also need to delete the LLCs from the claim. In the alternative, if Logan Cross exclusively licensed or transferred the exclusive rights at issue to the LLCs, your amended claim must add additional information to the “Describe the infringement” section of the claim that explains how the entities (1) obtained ownership of the exclusive rights allegedly infringed, or (2) how both entities were the author or otherwise the legal or beneficial owner of the exclusive rights at the time of the infringement. You may also choose to include supplementary documentation such as an assignment or license that explains how these rights were transferred to the entities. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

## Work Infringed — Clarity

Your copyright infringement claim must provide enough information for the respondent to identify the work you claim has been infringed. It is not clear whether the work that you claim was infringed is a screenplay or audiovisual/motion picture work.

In the “Work infringed” section of the claim, you state that the work “theSuperheroines Catalog” registered by the Copyright Office as PAu003671681 is a “Web series, short & long form narrative, action-adventure motion picture.” Further, you state that “[c]lips of videos as well as photo set images were taken from various films in the catalog.” However, a Board search of Copyright Office records shows that the registration you listed is titled “Heroine Legends” and describes the authorship of the work as an unpublished group of “script[s]/screenplay[s].” The allegations in your claim indicate that you may be alleging that the respondent is infringing more than one work. It is unclear if these works, including videos and photos, are covered by your registration, which only covers screenplays. Additionally, it is unclear from the information included with the claim whether and how much of the protectable elements of the scripts were used in the allegedly infringing work. In your amended claim, you must include clarifying information describing the work you created, how much of the script/screenplay was used, and the amount of your work used in the allegedly infringing work. Being specific in your description gives the other party and the Board more information about your claim.

## Access

Your claim does not provide facts about how the respondent had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place.

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 (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

In your claim, you have included a [counternotice](#) that appears to indicate some use of video. You may resolve the access issue if you address the “Work infringed — Clarity” issue noted above and clarify that the work in the counternotice is in fact the work (and the only work) at issue. Alternatively, you can upload copies of your work 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 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 “web series, short & long form narrative, action adventure motion picture.” As noted above, it is unclear which work and how much of your work was allegedly used by the respondent. You do not provide enough information describing or showing 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. In addition, you have not provided a copy of your work or the allegedly infringed 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. When 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. You must include clarifying information describing the work you created, how many clips or snippets were used, and the amount of your work used in the allegedly infringing work. 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.

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