



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0245

August 29, 2024

Wyomme A. Pariss

CLAIMANT

v.

Jasmine D. Andrews

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **September 30, 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.

Access

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

You identify your allegedly infringed work as a dramatic work (such as a screenplay, play, or other script) titled “Then Sings My Soul,” registered by the Copyright Office with Registration No. PAu 4-120-937. You describe your work as “an adaptation of [a] Domestic Violence Stageplay.” However, your claim does not describe anywhere that your script has been accessible to the respondent or the public at large. You do not allege that the script has been shown or provided to the respondent or anyone else.

To address this issue, you must add allegations that make access by the respondent 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 they could not have been created independently. For example, documents submitted to the Copyright Office with the application to register the “Then Sings My Soul” script included what appears to be a “Writer’s Agreement,” signed by you and the

respondent, that described the terms by which the respondent agreed to adapt your stage-play into the registered screenplay. If you add facts in your amended claim describing that agreement, or upload a copy of the agreement as a supplemental document, it would indicate how the respondent had access to your work.

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. You did not include a copy of your script in the “Documentation” section of the claim; you included what appears to be a video trailer for a motion picture titled “Then Sings My Soul,” but your allegations do not explain or show how it relates to the claim. If you include copies of your work and the respondent’s work as supplemental documents, they must be clearly labeled and identified so that they can be properly compared to each other.

Substantial Similarity

Your copyright infringement claim does not include enough facts to indicate how the allegedly infringing work is substantially similar to original, expressive elements of your work that copyright protects. To address this issue, if you file an amended claim, include more information about your work, the allegedly infringing work, and how creative elements of the works are similar.

Copyright protection only extends to the specific creative expression in a work that is original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313.4 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Not all elements of a creative work are protected by copyright. For example, copyright law does not protect ideas or facts. Copyright can only protect the particular way that such things are expressed. Copyright also does not protect stock characters, settings, or events that are common to a particular subject matter (“*scènes à faire*”). See *Compendium* Section 313.4(I). Not all similarities are infringing. When two works only share similarities in unprotectable elements they are not “substantially similar” under copyright law.

Substantial similarities between two works may be found in their plot, theme, dialogue, mood, setting, pace, or sequence, for instance. You do not describe such elements of your work or the allegedly infringing work, or how they may be similar. You do not state how much of your work, or which portions of your work, the respondent used. No allegations in the “Describe the infringement” field of the claim describe your work or the allegedly infringing work. The video filed with the claim appears to be a trailer for a motion picture titled “Then Sings My Soul,” but you do not state if the allegedly infringing work is the trailer, the motion picture, or some other work. The trailer seems to promote a work with the same title as your work, but copyright does not protect short phrases such as titles and slogans. See *Compendium* Section 313.4(C). You have not identified copyright-protected elements of your script that appear in any infringing work.

As a result, the claim does not provide enough information to enable the Board to understand and evaluate the claim. If you submit an amended claim, it must include 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 substantial similarity in material that copyright protects. For example, if it is the case that the respondent used your script in its entirety with no or practically no changes, you can state that in your description of the infringement. 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.

Infringing Activity

Your claim does not provide enough clarity about how you allege the respondent used your exclusive rights in the allegedly infringed script without permission.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, publicly perform, and publicly display 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.

You state that the “work has been used and receiving monies without knowledge of the owner who holds exclusive rights,” but your allegations do not include enough clarity about *how* you allege that it was used. You selected several of the “Wrongful activities” from a drop-down menu in the claim form, including “Create a derivative work,” “Publicly display the work,” and “Distribute copies of the work,” but you do not make clear factual allegations about any of those alleged activities. You allege that infringing acts occurred in “Hampton, VA, Filmhub, Movie Theater, [and] Film Festivals,” and the forms of relief you seek include “a copy of my work (film)” and “remove film from platforms – cease and desist.” Without further explanation, those statements do not present sufficient facts to understand how the respondent may have infringed your rights. Your claim contains no allegations that describe actions taken by the respondent that relate to public performance or display, reproduction, or distribution of your work, or creation of a derivative work based on your work. You do not clearly identify an allegedly infringing work, and you do not provide enough detail about the respondent using your work in a way that would infringe any exclusive rights.

To address this issue in an amended claim, include enough details for the Board and the respondent to understand what the allegedly infringing acts were. You must state facts that describe acts by the respondent that constitute copyright infringement. For example, if the respondent created or distributed a film based on your script, you should specifically state facts about those activities in the “Describe the infringement” section.

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