



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0064
July 17, 2024

Adrian TORRES

CLAIMANT

v.

William E Packer et al.

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on March 19, 2024, and May 20, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On June 19, 2024, the claimant filed a second amended claim, which was the final opportunity to file a compliant claim. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d). That same day, the Board received an email from the claimant alerting the Board they had technical difficulties submitting the amendment and needed to add additional information to the claim. Before receiving a response from the Board, the claimant filed a written attachment with additional information. (Dkt. 80).

A Copyright Claims Attorney reviewed the second amended claim and the attachment and determined that the infringement claim is still noncompliant because it fails to identify enough similarities in the protectable expression between the claimant's work and the respondent's allegedly infringing work. The plot ideas, themes, and characters described in the supplemental attachment (Dkt. 80) are too general for copyright protection. Copyright does not protect ideas although it may protect the way ideas are expressed. None of the similarities that are identified appear to relate to similarities in copyrightable expression. "General plot ideas are not protected by copyright law; they remain forever the common property of artistic mankind." *Berkic v. Crichton*, 761 F.2d 1289, 1293 (9th Cir. 1985).

The Copyright Claims Attorney referred the claim to a Copyright Claims Officer to confirm that it does not comply with the applicable requirements and that this proceeding should, therefore, be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B). The Copyright Claims Officer reviewed the second amended claim and concurs with the finding of noncompliance. For the reasons set forth, the second amended claim does not present facts sufficient to show a plausible claim of copyright infringement. Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that the allegations may be raised again by filing a new claim if there is no agreement with the respondents to the contrary.