



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0084

## United States Copyright Claims Board

Stephen M Richards

CLAIMANT

v.

Hasbro, Inc.

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 **November 25, 2022**. 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 extra 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.

#### Permissible Claim

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital Millennium Copyright Act.

You checked the box stating your claim is a copyright infringement claim. However, the “Describe the infringement” section of the claim includes allegations that the respondent “virtually trademarked a reproduction of the fable genre.” The Board cannot address claims of trademark infringement.

To address this issue, you must amend your claim to make clear that you are only seeking relief for your copyright infringement claim. Please review [Circular 1: Copyright Basics](#) and the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear.

#### Copyright Infringement- Work Infringed

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). Your claim includes confusing allegations about which work is the allegedly infringed work.

The registration information you provided (SR0000899236) covers a sound recording titled “The Groovy Pig Song.” Subsequently, you filed a supplementary registration (SR000902275), which covers music, lyrics, text and excludes “Literary Work.” However, it appears that your allegations in the “Describe the Infringement” section involve two separate works: a poem published in 1971 and an expanded version of the poem completed and published in 2020. The registration number and supplemental registration number you provided for the work infringed appear to refer to a sound recording, music, lyrics and text created in 2020. Based on a review of the supplementary materials provided with the claim, it appears that the 2020 lyrics are an expanded version of the 1971 poem.

Supplemental documents filed with your claim include what appear to be copies of both a thirteen-line poem entitled “The Groovy Pig,” apparently published in a June 1971 issue of *Wee Wisdom* magazine, and a substantially expanded “Revised Version” bearing a 2020 date. Your allegations are unclear because, while the registration for the work that you identify as the infringed work issued for a sound recording first published in 2020, your claim instead refers to the 1971 work, alleging that the respondent’s Groovy Peppa character is a copy “of my own original June 1971 Unity Wee Wisdom (page 35) poem, The Groovy Pig[.]” The registration covering the allegedly infringed work states that it was completed in 2020, but you say that respondent began to infringe the work in 2003, which would not be possible.

Therefore, it is unclear from the information stated in your claim if you are alleging infringement of the sound recording; the music and lyrics; the original poem; the expanded poem; or some combination of the above. If you are alleging infringement of the 1971 poem, you must include the corresponding registration number *for the poem* in the “Works infringed” section of the amended claim. On the other hand, if you are alleging infringement of the sound recording, music, lyrics, and text covered by the SR899236 registration and SR000902275

supplementary registration, you must include facts and background about how the respondent infringed the sound recording, and not the 1971 poem, in your amended claim.

### Copyright Infringement Claim – Access

Your claim must make enough factual allegations to support each “element” of the claim. 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 facts about how the respondent had “access” to your work. “Access” means a reasonable opportunity to view or hear your work. Please provide more details and background regarding this element in your amended claim.

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 that 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 public or respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

### Copyright Infringement Claim – Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the respondent’s allegedly infringing work. You must provide some specific allegations about how your work and the allegedly infringing work are similar.

Your claim states that the Groovy Peppa figure is “a reproduction of my poem in that such fable character figurine is an anthropomorphic pig dressed up like a typical housewife with a guitar to be a rock star, whereas my poetic fable depicts an anthropomorphic sheep as a good Samaritan giving up fleece to an anthropomorphic pig on the phone like a typical shopper with the fleece as a wig to be somebody.”

In this allegation, the similarities between the two works consist merely of: (1) a pig that is anthropomorphic and (2) the word “Groovy” in the title of the work. This is an insufficient allegation of substantial similarity. An anthropomorphic pig is an idea not protected by copyright. 17 U.S.C. § 102(b). A word in the title of a work is not copyrightable expression. 37 C.F.R. § 202.

No allegations in the claim state or show how the copyrightable expression in your work is identical or substantially similar to the allegedly infringing work. 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 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 specific portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.