



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0227
July 28, 2023

Gergely Turi

CLAIMANT

v.

Clayton Morris

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 **August 28, 2023**. 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 copyright infringement claim does not include enough detail to clearly state 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.

In the “Works infringed” section of the claim, you state that your work is a literary work titled “15 Big Box Retailers At Risk Of Bankruptcy In 2023.” The “Describe the infringement” section states:

Clayton Morris republished our video scripts in bulk without our permission to his Youtube channel which is called: Red Pilled Tv. Clayton Morris downloaded our content from our Youtube channel and re-uploaded to his channel as if it was his work. He monetized the stolen work and gained 2 million views and around 15,000 dollar revenue. This is Clayton Morris’s youtube video with our video script:
[https://www.youtube.com/watch?v=cwmU0wApHI4\[.\]](https://www.youtube.com/watch?v=cwmU0wApHI4[.])

Your allegation that the respondent “downloaded our content” and “re-uploaded” it to his YouTube channel is not clearly stated. It is not clear how he could have downloaded your allegedly infringed work from YouTube because your work is a video script, rather than the video itself.

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. If you allege that YouTube has features that enable users to download the script of a YouTube video, please include facts describing those features in your amended 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. 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 does not provide enough information describing or showing your work. No allegations in the "Describe the infringement" field of the claim describe the content of your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In the "Description of harm suffered and relief sought" section, you state, "Clayton Morris re-uploaded our youtube video scripts with the same metadata, title, description, and keyword," but you do not specifically allege how the content of the allegedly infringing video is similar to your script.

A [supplemental document](#) filed with the claim appears to be a screenshot of a takedown notice in which you told YouTube that your allegedly infringed work is a video available on YouTube. In that document, you stated that the allegedly infringing content "appears in your source video from 0:00:09 to 0:13:55," approximately 14 minutes, but it "appears in the targeted video from 0:00:05 to 0:10:15," approximately 10 minutes. That discrepancy suggests that the respondent may not have simply downloaded your video and re-uploaded the copy to YouTube, as the allegedly infringing portion of the respondent's work seems to be substantially shorter than your allegedly infringed work.

In addition, you have not provided supplemental documents that clearly identify the works and show their similarities. One document that you submitted, with the file name "15 Big Box Retailers At Risk Of Bankruptcy In 2023.docx," appears to be text for a video script, as the first paragraph includes the following:

Today, we decided to compile the businesses that recently indicated they may be going out of business by year's end. But before moving on, we humbly ask you to support our work with a thumbs up and don't forget to subscribe to our channel so you don't miss our upcoming lists. Without further ado, here are 15 Big Box Retailers At Risk Of Bankruptcy In 2023[.]

However, it is not clear if this document contains the text of your script, or the text of the allegedly infringing video, which you allege has the same title. As a result, the claim does not provide enough information to enable the respondent to understand and evaluate the claim and respond to it.

If you submit an amended claim, include more specific allegations that support the element of substantial similarity, for example, by identifying particular scenes and details in the respondent's work that are similar to

copyrightable expression in your work, and describing how they are similar. Your description should help the respondent and the Board understand the similarities you see between the allegedly infringing work and your work. Please clarify your description of the alleged infringing act. You should clearly state whether the respondent's video includes the entire text of your script or substantial parts, and indicate which parts.

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 Attorney