



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0033

February 15, 2024

Anthony Joseph

CLAIMANT

v.

Bryce Leatherwood

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 **March 18, 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

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

You identify the allegedly infringed work as a musical composition titled “The Ring,” which you describe as the music and lyrics of a country song. You allege that respondent’s song “The Finger” debuted on “The Voice” in December 2023 and infringes your work. Your claim does not clearly state allegations about where or how “The Ring” was available before the alleged infringement occurred so that the respondent had an opportunity to hear it.

You allege that “The Ring” was included on your 2008 album titled “The Road to Happiness.” However, you have not described the extent of its sales, distribution, or availability. You also allege that the song has been performed live, and the hook line “brought a strong reaction from the crowd,” but you do not indicate where, when, how often, or how recently it has been performed.

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

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 included both the lyrics and a sound recording of "The Ring" as supplemental documents with your claim, but you did not provide a copy of "The Finger." 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 allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide more specific allegations about how your work and the allegedly infringing work are substantially similar.

A valid copyright only extends to copyrightable subject matter, and copyright law only protects the components of a work that are original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Copyright law does not protect ideas or concepts. 17 U.S.C. § 102(b); *see also* Compendium Section 313.3(A). It also does not protect short phrases such as titles and slogans. *See* Compendium Section 313.4(C). It only protects original elements of expression. The allegedly infringing work must be substantially similar to copyright-protected elements in the allegedly infringed work, such as the melody, rhythm, harmony, or lyrics. More information on copyrightable expression in musical compositions is available in [Circular 56A: Copyright Registration of Musical Compositions and Sound Recordings](#). Your allegations do not identify substantial similarities that relate to copyrightable expression.

You seem to be claiming infringement of only the lyrics of your song, as you state that "the songs are musically different." You contend that "The Finger" infringes "the concept, title reference and hook" of "The Ring." You state that both songs are about a breakup, and have the same concept or premise "about a guy being jilted by his girl." However, as discussed above, ideas, general concepts, and titles are not copyrightable. The only expressive element of "The Ring" protected by copyright that you identify as infringed is a "hook" line in the chorus.

Your claim includes a copy of the lyrics of "The Ring." The chorus is:

Oh no ...Oh no
I thought I had it made.
Little did I know ... That I was really being played.
My blood ran cold and suddenly ...
... My neck was in a ringer...when I,
Gave her that ring...and she,
Gave me the finger.

You describe “When I gave her the ring, and she, gave me the finger” as the song’s hook and “chorus line.” However, you did not include the full lyrics of “The Finger.” Instead, you quote one line from its chorus, which you describe as its focal point: “She got the ring and I got the finger.” The lines “When I gave her the ring, and she, gave me the finger” and “She got the ring and I got the finger” are not worded identically and do not express the same meaning. They appear to share only a general concept, which is not protected by copyright.

If 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 statement regarding which copyright-protected portions of your work were used in the respondent’s work, or documents that are sufficient to show the similarities. 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.

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