



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0281
October 21, 2024

Lorene Miller

CLAIMANT

v.

Jerry Miller, Jr

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still 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 a second amended claim by **November 20, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second 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.

Copyright Registration

The “Works infringed” section of your infringement claim lists one allegedly infringed work, titled “From Crowns to Kappa,” which you describe as “[a] book using my DNA based ancestral findings, focused on my great-grandmother Anna’s life.” It appears that you had not delivered a completed application, deposit, and fee to the Copyright Office seeking to register the copyright for that work before you filed this claim on September 21, 2024. As the September 23, 2024 Order to Amend Noncompliant Claim (September 23 Order) explained: “Copyright Office records for that application indicate that it was submitted before you filed this claim; however, the Office has not received a deposit copy of the work.” After that order issued, it appears that you submitted the deposit to the Copyright Office on October 3, 2024, and the registration issued the next day, effective October 3, 2024.

However, the Board can only hear an infringement claim if, *before* the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied

to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). Therefore, the Board cannot hear this claim.

You should not submit an amended claim if you know that it cannot be properly amended.

However, if you believe the above statements regarding the application are in error, you may submit a second amended claim that shows that a complete application for “From Crowns to Kappa” was submitted with the required deposit and fee before you filed this claim. Otherwise, your infringement claim cannot move forward in *this* proceeding, and you may not file a second amended claim.

You may refile your infringement claim in a *new* proceeding now that the work is registered, but only if you can state facts that indicate that your exclusive rights in “From Crowns to Kappa” were infringed, as discussed below.

Infringing Activity

The amended claim does not present enough facts to clearly state how the respondent used any exclusive rights you have in the allegedly infringed work without permission.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce the work in copies, distribute copies, 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.

In addition, 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 and 308 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Copyright does not protect facts; only an author’s particular, creative expression of those facts may be protected by copyright. *See* Compendium Section 313.3(C). The time, effort, or expense required to create a work, including time spent on factual research, has no bearing on whether the work is protected by copyright. *See* Compendium Section 310.7.

Your work contains your factual findings about your ancestry, and you allege that the respondent provided your papers to a non-party author, who entered information from those papers into a computer and ran a search. However, simply copying raw facts from your work would not be an infringing act, because facts are not original to the author. It is also unclear whether respondent actually made a copy of your alleged work or simply handed physical papers to the third party, which also would not count as an infringing act. In any case, your allegations indicate that you provided a copy of the papers and gave them to your parents, which suggests that what was provided was an authorized copy, not an infringement. In the “Description of harm suffered and relief sought” section of the claim, you state that “[d]iscrediting and devaluing my hard work with long hours of research on my personal DNA links and findings is the biggest harm done at this point[.]” You do not indicate that the respondent has created or distributed infringing copies of your work, or derivative works based on it.

If you refile your infringement claim in a new proceeding (or in a second amended claim in this proceeding that shows that the deposit was timely submitted before September 21, 2024), it must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what the respondent did in relation to the work you allege was infringed. If you cannot describe an infringing act, refiling the claim would be futile.

Final Amendment

Your amended claim does not resolve the issues raised in the September 23 Order, and raises additional compliance issues discussed in this order. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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