



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0386

February 7, 2025

Ugo antonio Troiano

CLAIMANT

v.

Ellen Stuart, Joel Slemrod, William Boning

RESPONDENTS

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 properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **March 10, 2025**. 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 amended 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 Infringement — Substantial Similarity

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. 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. 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 amended claim does not provide enough facts about how the copyrightable expression in your work and the

respondents work is substantially similar. As mentioned in the Board's January 6, 2025 Order to Amend Noncompliant claim, copyright does not protect ideas, concepts, systems, or methods of doing something. You may express your ideas in writing and claim copyright in your description, but copyright will not protect the idea itself even as it is revealed in your written work. A copyright registration only extends to copyrightable subject matter included in the deposited material. In other words, the underlying concept or plan within a proposal is not copyrightable, although the written document containing the proposal's details can be registered if it contains original expression and wording.

In your amended claim, you provide only three examples of alleged similarities in the original expression of each work. Each described similarity shares a similarity of concept but not copyrightable expression. For example, you include a sentence from your proposal that states "tax debtors may struggle to pay their tax obligations, and tax enforcement against people who are deeply in need can decrease social welfare." The sentence in the respondent's work that you allege is similar ("[i]f collecting debts from taxpayers whose economic resources are insufficient to meet basic living expenses reduces their incentive to work or invest, postponing collection could induce higher future collections") conveys similar concepts about tax collection from disadvantaged individuals, but is not substantially similar in copyrightable expression. To present a copyright infringement claim, the alleged infringement must be substantially similar to the copyrightable expression in your work. "It is the expression of the ideas, not the general concepts, that are to be examined particularly, because ideas themselves and general concepts are not copyrightable." *Black v. Gosdin*, 740 F. Supp. 1288, 1291 (M.D. Tenn. 1990). Because your amended claim does not include facts indicating that the works are substantially similar in their expression your claim cannot proceed.

Finally, to the extent you are alleging an ownership dispute because the respondents did not give you attribution as a joint author, any such dispute would be incompatible with a claim of copyright infringement against the respondent, because an owner or co-owner of a copyright cannot be liable for infringement of that copyright. Information about joint ownership of a copyright is available at pages 9-10 of the [Responding to an Infringement Claim](#) chapter of the CCB Handbook.

If you submit a second amended claim, it must show a claim of copyright infringement, including having more specific allegations that support the element of substantial similarity. In order to move your claim forward, you are not required to numerous pages of detailed descriptions, but you must describe or show enough facts to indicate that substantial expressive material was taken. Include a clear, detailed statement regarding the expression in your work that was taken by the respondents in the allegedly infringing work, or documents that are sufficient to show the similarities. 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. 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.

Final Amendment

Your amended claim resolved none of the compliance issues raised in the January 6, 2025, Order to Amend Noncompliant Claim. **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.