



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0230

United States Copyright Claims Board

John W Baik

CLAIMANT

V.

Jason Howard

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 **December 22, 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 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.

Copyright Infringement Claim – Authorship

Your claim includes unclear allegations about the registration and authorship of the allegedly infringed work. In your claim, you provide a service request number (“1-11890759411”) for your application for registration of a group of unpublished motion pictures. You are listed as the sole author and copyright claimant in the application for registration. However, in the “Works Infringed” section you list Jason Howard, the respondent, as a joint author.

A work can have more than one author or owner. If two or more people contribute to a work, with the intention that their contributions will be merged into a single work, they are considered “joint authors” of that work. Any of the owners of the copyright can enforce the copyright or give permission to others to use their rights. One owner of an exclusive right in a work *cannot* sue another co-owner for copyright infringement.

In your amended claim, you will need to clarify the authorship in the work. The claim lists as co-authors of the work “John Baik [and] Jason Howard,” the respondent. If the respondent is not a joint author of the work, you will need to remove the respondent from the “Works infringed” section of the claim. If the respondent is a joint author of the work, you cannot raise an infringement claim against him unless you can explain how you became the sole copyright owner in the work. More information is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. For more information on joint authorship, see the discussion beginning at Section 505 of Chapter 500 of the [Compendium of U.S. Copyright Office Practices, Third Edition](#).

Copyright Infringement Claim – Infringement Dates

There are also issues of clarity about the alleged infringement dates. In the claim, you state that the infringement occurred “Nov 23rd – Present.” Given that November 23, 2022 would be in the future, the year must be 2021 or earlier. You should state the year in your amended claim.

Copyright Infringement Claim – 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. 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 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 materials 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 states that the respondent “has been reuploading clips of my content on his channel without my permission. His video is a compilation of my content.” However, you do not provide any information describing or showing your work. No allegations in the

“Describe the infringement” field of the claim describe your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your allegedly infringed work as a supplemental document.

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 portions of your work were taken by the respondent 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.

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 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. 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.

Copyright Claims Attorney
November 22, 2022