



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0115

April 23, 2024

Tawanda L. Jones

CLAIMANT

v.

Jerrica Carr-Lee, Ashley Amorginos,
and 1st Dibz Entertainment

RESPONDENTS

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 **May 23, 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.

Infringing Activity

Your claim does not clearly indicate how two of the respondents engaged in any allegedly infringing activity.

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

You identify your allegedly infringed work as a screenplay titled “Sister,” and you indicate that respondent Jerrica Carr-Lee’s movie titled “Carolyn” infringes on “Sister.” You state that “Jerrica Carr & the other respondents have infringed upon my work,” but your claim does not include any allegations that respondents Ashley Amorginos and 1st Dibz Entertainment committed any infringing act, such as copying, distributing, or publicly displaying your work or the allegedly infringing “Carolyn.” Your amended claim must state facts that indicate how each named respondent participated in the alleged infringement.

Unrelated Respondents

The Board can only hear claims asserted against multiple respondents if all claims in the proceeding “arise out of the same allegedly infringing activity or continuous course of infringing activities[.]” 17 U.S.C. § 1504(c)(6). You do not appear to allege that the respondents acted together, or that your claims against them arise out of the same infringing activity or activities. You have not alleged any particular infringing acts by Ashley Amorginos and 1st Dibz Entertainment, as discussed above; in addition, your claim does not make clear whether or how any infringing acts they committed were related to any such acts by Jerrika Carr-Lee.

To address this issue, your amended claim must either be raised against only one respondent (or set of respondents, if you allege that they acted together in the same course of conduct), or it must include facts that indicate that the respondents all engaged in the same allegedly infringing activities or were parts of a chain of one continuous course of infringing activities. For instance, if all respondents were involved in creating or distributing the same allegedly infringing work, state the facts regarding such creation or distribution in the “Describe the infringement” section and provide details of their relationship regarding the work.

Access

You have not provided facts that clearly indicate how any respondent had access to your work. “Access” means a reasonable opportunity to view your work before the alleged infringement took place.

Your claim does not describe anywhere that your screenplay has been accessible. You allege that you have discussed your screenplay in query letters to agents in California, as well as socially in “small circles” in Memphis, but you do not indicate that the screenplay has been shown or provided to the respondents or anyone else.

To address this issue, you must add allegations that make access by each respondent a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondents or a close associate of the respondents; (b) was widely disseminated or was available to those respondents; or (c) is so strikingly similar to the respondents’ work that they 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. If you include copies of your work and the respondents’ work as supplemental documents, they must be clearly labeled and identified so that 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. Your allegations do not describe, state, or show how your work and the allegedly infringing work are substantially similar, and you have not provided a copy of your allegedly infringed work or the allegedly infringing work as supplemental documents.

Copyright only extends to copyrightable subject matter, and copyright law only protects the components of a work that are original elements of expression by the author, not ideas that are common or necessary to a particular genre. 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* (“*Compendium*”).

A supplemental document filed with the claim provides a short list of alleged similarities between “Carolyn” and “Sister,” but it does not show substantial similarity between aspects of the works that copyright protects. For example, the document indicates that both works feature undead characters taking revenge on their killers’ descendants, and that both works include scenes with survivors recounting carnage they have witnessed, and characters learning part of the backstory from newspaper clippings. These are common horror tropes and stock narrative devices, and copyright does not protect stock characters, settings, and events that are common to a particular subject matter. For more information on this concept, known as *scènes à faire*, please see Section 313.4(I) in [Chapter 300](#) of the *Compendium*. At this stage, you have not described enough protected expressive elements of your work that are substantially similar to “Carolyn” to support an infringement claim.

In the “Describe the infringement” section of the claim, you state, “I am now in the process of trying to retrieve a litigation statement form from the Records Research and Certification Division so that I may retrieve Jessica Carr-lee’s deposited materials,” and you add, “I will also be submitting supplementary material later in my claim once I receive copies of the defendant’s deposited material. I will attach both of our scripts and will show in each script a side by side comparison of similarities.” Information about requesting Copyright Office records and materials is available at <https://www.copyright.gov/rrc/litigation.html> and in [Chapter 2400](#) of the *Compendium*. The Litigation Statement (Form LS) is available at <https://www.copyright.gov/forms/formlitigation.pdf>.

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 respondents’ work that are similar to copyrightable expression in your work, and describing how they are similar. Your description should help the respondents and the Board understand the similarities you see between the respondents’ allegedly infringing work and the protectable aspects of your work.

Contact Information

In the “Respondent” section of the claim, the contact information you provide for the respondents includes, for 1st Dibz Entertainment and its designated agent, the email address notavailable@notavailable.com, which appears to be a placeholder rather than a valid email address. You are not required to include an email address for respondents in the claim form. Unless you believe that email address to be accurate, you must omit it from any amended claim. If you do have an actual email address for 1st Dibz Entertainment or its designated agent, you are encouraged to include them.

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