



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0115

April 18, 2023

Scott Sharick

CLAIMANT

v.

Scripture Union USA and Gail Martin

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 18, 2023**. 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

Your claim does not provide facts about how the respondents had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place.

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 the respondent; or (c) is so strikingly similar to the respondents’ work that the respondents could not have created it independently. Alternatively, you can upload copies of your work and the allegedly infringing work if those copies demonstrate that the works are so strikingly similar that they could not have been created independently.

Substantial Similarity

Your claim also does not include enough facts to explain the similarities between your work and the 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.

In the “Works infringed” section of the claim, you describe your work, titled “One Way Sign and Shadow,” as “[a]n image of a one way sign in front of a blue brick wall producing a shadow in the shape of a crucifix.” However, you do not provide information describing the allegedly infringing work. No allegations in the “Describe the infringement” field of the claim describe the allegedly infringing work, or state or show how it is identical or substantially similar to your work. As a result, the claim does not provide enough information to enable the respondents to understand the claim and respond to it.

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, detailed statement regarding which portions of your work were 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.

Infringing Activity

For each respondent you name as an alleged infringer, you must state allegations regarding that respondent’s allegedly infringing activity. The “Describe the infringement” section of the claim describes how Scripture Union USA allegedly infringed your work: “Without license or authorization Scripture Union copied, displayed and distributed my image.” However, your claim does not provide facts about how the other respondent, Gail Martin (“Martin”), participated in any infringing activity.

If you submit an amended claim, you must more fully explain how each respondent played a role in the alleged infringement. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyright, specifying how the respondents engaged in the infringing activity, and the infringing acts of each respondent. If you choose to keep Martin as a respondent in an amended claim, you must provide more details and background regarding how Martin personally engaged in infringing activity. In the alternative, you may file an amended claim that only names Scripture Union USA as a respondent.

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 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