



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0112
April 17, 2024

Gregg J Miller
CLAIMANT

v.

Susan Lee
RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 17, 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.

Copyright Infringement — Co-Ownership

Your claim is not compliant because you have included two types of allegations that the Board cannot hear. The first type of allegation concerns co-ownership of the work. In the “Description of harm suffered and relief sought” section you assert that Stuart Michael Burns (Burns) is the co-author and the co-owner of the copyright in the allegedly infringed work, “Take Him At His Word (the Ballad of J.T. Jacks)” and that the respondent Susan Lee may have received ownership of Burns’ rights in the work from his estate. That assertion is 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. Additionally, joint owners generally must share any income they receive from their use and licensing of the work with the other owners, but a claim about failing to make such payments is called an “accounting” claim, which is not a claim that the Board can hear. 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 the information you have given regarding the co-ownership of your alleged work is incorrect, you should correct that information if you file an amended claim.

The second type of allegation concerns registration of the work. In your claim, you state that “Susan Lee filed a copyright for this work without my name on it and without my permission.” Registering a copyright does not constitute an act of copyright infringement, even if the person who registered the copyright does not own the copyright. In order to infringe a copyright, the respondent must have violated one of the exclusive rights set forth in section 107 of the Copyright Act: reproduction, preparation of derivative works, distribution of copies to the public, public performance, or public display. See 17 U.S.C. § 106. Please review the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. You should only file an amended claim if you can state facts to support a claim under copyright law that can be heard by the Board.

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.

