



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0394
December 4, 2023

Terrell Lipscomb

CLAIMANT

v.

Trey Parker, Matt Stone, Paramount Plus

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 **January 3, 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.

Respondent Contact Information

To assert a claim before the Board you must include each respondent's mailing address, unless the Board gives you permission to file it without the address after you certify that the address is unknown and that you have a good-faith belief that the statute of limitations is likely to expire within 30 days. You must also describe the basis for that belief. 37 C.F.R. § 222.2(c)(6). In your claim, you appear to include the address and contact information for law firms that may represent two of the respondents, Matt Stone and Trey Parker. To correct this issue, you must provide those respondents' addresses or state a good-faith belief that the statute of limitations is likely to expire within 30 days. The address must be a United States address of the respondent as the CCB may not hear claims against persons who reside outside the United States. 17 U.S.C. § 1504(d)(4).

Copyright Infringement — Elements

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 respondents used one of your exclusive rights in the work without permission,
3. The respondents had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondents' work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough facts about how your work and the allegedly infringing work are substantially similar. Please provide more details and background regarding this element in your amended claim.

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.

In your claim, you state that you "entered in my South Park 'Covid Blues' script in the Nickelodeon writing program." You also allege that that "South Park was one of the accepted shows so people in the industry already had access to my TV script." However, it is unclear what is meant by "accepted show," and a statement that "people in the industry" had access to the script is not the same as an allegation that respondents had access. In order to correct the issue, you must include additional information that explicitly states how the respondents received the script through the program. Acceptable allegations of access may include that your work (a) was sent directly to the respondents or a close associate of the respondents; (b) was widely disseminated or was available to the public or respondents; 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 (they/those images) demonstrate that the works are so strikingly similar that they could not have been created independently. 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.

Substantial Similarity

Your claim does not include enough facts that explain the similarities between your work and the respondents' allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar.

In your claim, you allege that there are several plot similarities between the two works and state that the respondents used "science to help push the story which is the same as in my script" and "also both use Japanese characters as a major character in the script as well." Copyright does not protect ideas although it may protect the way ideas are expressed and as a general rule, copyright law does not protect stock characters, settings, or events that are common to a particular subject matter or medium because they are commonplace and lack originality. .

However, Copyright law does protect specific expressions of an idea and where a plot is sufficiently detailed and/or the author selects and arranges an original sequence of events, it may be possible to protect the descriptive text. None of the similarities that you identify in the claim appear to relate to similarities in copyrightable expression.

If there are areas of substantial similarity, you must provide specific allegations that detail the similarity beyond general plot points. If you submit an amended claim, your description should include more specific allegations, identifying which particular elements in the respondents' work copied from which specific copyrightable subject matter in your works. More information about what to include in the "Describe the infringement" section is available at pages 14-15 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

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.

