



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0013

## United States Copyright Claims Board

Tactical Training Academy LLC, DBA Pacific Books

CLAIMANT

v.

Ingram Content Group, Lightning Source LLC

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 **August 22, 2022**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the CCB 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 extra 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.

#### Issue – Copyright Infringement Claim – Element of Access

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, and
4. The respondent’s work is identical or substantially similar to your work.

Your claim does not provide facts about how the respondent had “access” to your work. “Access” means a reasonable opportunity to view or hear your work. Please provide more details and background regarding this element in your amended claim.

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 respondent, including a description of that dissemination or availability; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

#### Issue – Copyright Infringement Claim – Allegations Unclear

In addition, a claim is not compliant if it does not provide enough information to enable the respondent to understand the claim and respond to it. It is not clear what wrongful activity the respondent is accused of doing. Though your claim alleges infringement of a single work, the narrative in the “Description of harm suffered and relief sought” field refers to the distribution of “several works,” and states, “Many of these works were incomplete manuscripts.”

If there is more than one allegedly infringed work, each must be identified in the “Works Infringed” section of the claim form. If instead, you intend to refer to “several copies” of the same work, and to claim that “many of these copies were of incomplete versions of the manuscript,” you may file an amended claim to revise the claim and clarify that point. More information about completing the “Works Infringed” and “Description of harm suffered and relief sought” sections of the claim form is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

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.

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. To edit the **“Wrongful activities”** information, click the blue bar to show the fields. To add or change factual information about your claim, add your text to the **“Describe the infringement”** section.
4. Once you have completed your edits, continue to click through the claim flow 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](mailto:asktheboard@ccb.gov). Include your docket number in the subject line. The CCB is unable to provide legal advice. We can only provide legal information and assistance concerning CCB procedures and requirements. You may also refer to the [Compliance Review](#) chapter of the Copyright Claims Board Handbook for more assistance.

Copyright Claims Attorney

July 21, 2022