



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0257

August 22, 2023

Keith F Bell

CLAIMANT

v.

Solon Community School District Board of Education,
Lucas Stanton, Davis Eidahl

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 **September 21, 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.

Work Infringed – Clarity

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

In your claim, you list a poster (Registration No. TX0008503571) as the work infringed. However, in the description of the work, you state that the allegedly infringed poster is an “abridgement” of *Winning Isn’t Normal*, a book originally published in 1982. You also state that the text of the abridgement is “near-identical” to the text that appears on page 8 of the of that book. A Board search of Copyright Office records shows that you completed the limitation of claim section of the registration for the poster. The limitation section lists “text” in the Material Included section *and* in the Material Excluded section. Such limitations indicate that while you created some new text, there is also some preexisting text from the original book that you did not claim as part of this registration. Because registration for the poster (TX0008503571) covers only the new material not previously published or registered, it is unclear from the information included in the claim what textual differences exist between the poster

and the book (TX0002672644), if any. It is also unclear whether you are alleging that the respondent infringed only the new text included in the registration for the poster.

To correct this issue, please include more information in the “Describe the infringement” section of the claim describing the textual differences, if any, between the poster and page 8 of the Introduction to the book. If, as stated in the description of the work, the text of the abridgement in the poster is identical to the text that appears on page 8 of the book, then you cannot state a claim for infringement of the copyright in the poster. In that case, you should identify the infringed work as the 1982 book covered by Reg. No. TX0002672644.

Respondent Clarity

Your claim also does not include enough information or clarity about the allegedly infringing acts committed by the respondents Solon Community School District Board of Education (“Solon”) and Davis Eidahl. You do not appear to allege that Solon and Davis Eidahl have infringed your copyright, or show or explain how either would be responsible for or connected to Lucas Stanton’s allegedly infringing activities. Although it is conceivable that Lucas Stanton is employed by Solon, the claim does not include any specific allegations that connect the actions of Solon or Davis Eidahl to the infringement. Additionally, the links included in the “Where the alleged infringing acts occurred” section of the claim appear to be a twitter account of some other “Coach Stanton” who is not listed in this claim.

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

If you submit an amended claim, you must more fully explain how *each* respondent infringed your allegedly infringed works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyright, specifying how each respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what each respondent did in relation to the work you allege was infringed. If you cannot do so for a particular respondent, you should not include that party as a respondent in the amended claim.

Impermissible Claim

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital

Millennium Copyright Act (DMCA).

17 U.S.C. § 1504(c)(1)-(3). In your claim, you state that the poster contains “Copyright Management Information (CMI)” and that you believe respondent’s post “may have violated the Digital Millennium Copyright Act (DMCA) by infringing upon the Copyright Management Information.” Because the Board cannot hear an action for the knowing removal of CMI under 17 U.S.C. § 1202(b), these allegations are not the kind of claim that the Board is permitted to hear. Please review [Circular 1: Copyright Basics](#) and the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. To correct this issue, you should remove any facts and allegations concerning issues where the Board cannot provide relief such as those relating to CMI. You should only include information and facts that support a claim under copyright law that can be heard by the Board.

Relief Sought - Previous Dispute

Your claim includes allegations, information, and supplementary documents about a previous copyright infringement dispute between the parties. In your claim you allege that “Solon and I settled a previous infringement claim in 2018 on “Winning Isn't Normal.” The current infringement is not only another willful infringement, but is a breach of our settlement agreement.” These specific allegations appear to describe a breach of contract dispute, not copyright infringement. A “breach of contract” is a violation of any of the agreed-upon terms and conditions of a binding contract. When a party to a contract does not fulfill an obligation stated in the contract, such as payment, it is typically considered a breach of contract. The Board is not authorized to hear claims for breach of contract. 17 U.S.C. § 1504(d)(1). The allegations regarding the previous settlement agreement, and regarding the failed negotiations to settle this dispute, do not appear to form any basis for a claim the Board can hear. To correct this issue, you should remove these allegations and documents from the claim.

Relief Sought – Impermissible Remedy

The “Description of harm suffered and relief sought” section of the claim indicates that you are seeking among other things “an apology from Solon and Mr. Eidahl to claimant for all verbal abuse” and “an order forbidding respondents from defaming claimant.” Please note that the Board can only order parties to modify behavior related to copyright infringement and cannot order a party to cease or modify its activity unless the party has agreed to it. Please review the [Damages](#) chapter in the CCB Handbook for more information about the kind of relief the board can grant.

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