



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0023

January 24, 2025

Mystery Sheet LLC and Aine Cain

CLAIMANTS

v.

Theresa Steffens

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 **February 24, 2025**. 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.

### Legal or Beneficial Ownership

You have raised a claim of copyright infringement, naming two claimants: Mystery Sheet LLC (Mystery Sheet) and Aine Cain (Cain). You allege infringement of six sound recordings that you describe as episodes of a podcast, and you name claimant Mystery Sheet as their author. You list the service request numbers of pending applications to register the copyrights for those six recordings. The applications identify Mystery Sheet as the sole author and copyright owner. The applications do not mention Cain, except that one application (service request no. 1-14675309678) lists “Aine,” but only as one of the contacts for Mystery Sheet. The claim does not present clear facts that indicate how Cain personally is a proper claimant to bring this infringement claim.

To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement.” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. A claimant who is not a named copyright owner of the allegedly infringed work

must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

When you submitted your claim, you certified that both Mystery Sheet and Cain are legal or beneficial owners of rights in the allegedly infringed works. However, the applications for registration list Mystery Sheet as the sole author of the recordings, as works made for hire. For legal purposes, the author of a “work made for hire” is not the individual who actually created the work. Instead, the party that employed or commissioned the individual to create the work is considered both the author and the copyright owner of the work. For example, if Cain created the sound recordings as an employee of Mystery Sheet, within the scope of that employment, then Mystery Sheet would be considered the author, not Cain. More information about authorship and works made for hire is available in [Circular 30: Works Made for Hire](#).

If information in the claim identifying the claimant or the author of the works is inaccurate, you may correct that information in an amended claim. For example, if Mystery Sheet is the sole owner of the sound recordings, then the “Claimant” section of the amended claim should name Mystery Sheet as the only claimant and omit Cain. However, if Cain is a copyright owner, you must include specific allegations about how Cain owns, or has an exclusive license to use, the exclusive rights at issue. You can do this either by adding facts to the “Describe the infringement” section explaining how Cain owned exclusive rights in the works at the time of the infringement, or by submitting supplemental documents. For example, you may describe Cain’s relationship with Mystery Sheet and state how Cain obtained legal or beneficial ownership of copyright, such as by assignment or exclusive license, or include supplemental documents demonstrating Cain’s legal or beneficial ownership. If you include copies of an assignment or license as a supplemental document, it must be clearly labeled and identified.

Finally, if it is simply incorrect that Mystery Sheet is the copyright owner of the sound recordings due to their work-for-hire status, and they are solely owned by Cain, you will need to correct your applications for copyright registration with the Copyright Office, remove Mystery Sheet as a claimant, and explain the mistake in your amended claim.

### **Allegedly Infringing Activity**

You state that your six allegedly infringed podcast episode sound recordings feature exclusive interviews, and you allege that the respondent livestreamed “reenactments” of those episodes on YouTube by reading the transcripts, with a guest, verbatim. Your allegations do not present facts that indicate how the respondent used any exclusive rights you have in the allegedly infringed sound recordings.

A sound recording copyright does not give the copyright owner an exclusive right to “perform” the work, including by reciting or acting it out. 17 U.S.C. § 114(a). A sound recording is a series of musical, spoken, or other sounds fixed in a recording medium, such as a CD or digital file. The copyright in a sound recording covers the recording itself, but it does not cover the words or other underlying content embodied in that recording. For example, a podcast sound recording copyright registration would cover the actual sounds recorded in the podcast,

but not the words spoken in any underlying discussion or interview in the podcast. More information about the copyrightable expression in a sound recording is available in [Circular 56: Copyright Registration for Sound Recordings](#).

To bring a claim of copyright infringement of a sound recording, the allegedly infringing work must contain actual sounds recorded in the allegedly infringed sound recording. While you allege that the respondent and a guest “read the transcript[s] of our episode[s] word-for-word,” you do not appear to contend that the respondent infringed any actual sounds fixed in your sound recordings. To the extent that your claim is based on infringement of sounds in your sound recordings, your amended claim must clearly allege that sounds captured on your sound recordings appeared in the allegedly infringing livestreams. If you maintain that the infringing activity is the creation of derivative works based on your sound recordings, your amended claim must allege facts that show that the respondent rearranged, remixed, or in other ways reproduced and altered the actual sounds embodied in your sound recordings, because for sound recordings, the right to prepare derivative works is limited to such acts. *See* 17 U.S.C. § 114(b) (the exclusive rights to make copies and derivative works of a sound recording “do not extend to the making or duplication of another sound recording that consists entirely of an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording”).

If the respondent’s livestreams reenacted interviews from your podcast episodes, but did not include any actual recorded sounds from those episodes, then this claim alleging infringement of the sound recordings cannot go forward. Instead, if you own the copyright in interviews, a script, or other copyrightable creative works contained in those sound recordings, then to bring a claim of infringement of those underlying works, you would need to apply to register the copyright for the allegedly infringed works before you could refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

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](mailto: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 Board