



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0348

November 27, 2024

Christopher J Proctor

CLAIMANT

v.

Justin M Jackson, Sr

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 **December 27, 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.

### Works Infringed — Clarity

Your copyright infringement claim must provide enough information for the respondent to identify the works you claim have been infringed. In your claim, you list nine works which appear to a part of the same pending group registration “SR 1-14454957611.” You describe the works as “screenplay(s) in skit form video” and you include what appear to be scripts or portions of scripts in the “Describe the infringement” section of the claim, however; a Board search of Copyright Office records indicates that the deposit material you submitted with the registration are videos. It is unclear from the information included in the “Works infringed” and “Describe the infringement” sections of the claim if you are alleging infringement of the scripts (words) or the videos themselves.

In your amended claim, you should clarify what you are alleging was infringed and how much of your works were used. Being specific in your description gives the other party and the Board more information about your claim.

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

Your claim does not provide enough facts about how the respondent had access to your works or how the respondent works are similar to your works. Please provide more details and background regarding these elements in your amended claim.

### **Access**

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 before the alleged infringement took place. In your claim, you state that:

"When a dramatic work is sent to another person but no contract or rights were signed over, the ownership of the copyright does not automatically transfer. The creator (or initial copyright holder) retains their copyright in the work unless there is an agreement (such as a written contract) transferring or licensing those rights to someone else. In general, copyright law operates on the principle that rights to a work are not transferred unless explicitly stated. Without an assignment or licensing agreement, simply sending a dramatic work to someone else does not transfer ownership of the copyright, though it may grant the recipient the right to review, critique, or use the work under certain conditions (e.g., fair use or personal use). If the work was shared under a specific understanding or implied arrangement (such as in a collaborative effort or for a specific purpose like a reading or a pitch), that context may affect the ownership and rights, but legally, the author retains copyright unless there's an express transfer of those rights."

This statement makes it unclear if you sent the works to the respondent and he failed to enter into an agreement with you regarding ownership and/or use of your works or if you did enter into an agreement with the respondent but the respondent violated that agreement. If you did, in fact, send your works to the respondent that would establish access to your videos. If you entered into an agreement with the respondent regarding your works and the respondent violated that agreement, the Board may not be able to hear your claim because it is not authorized to hear contract disputes. In your amended claim, you must explain whether you sent the videos to the respondent and whether you and he entered into an agreement or if respondent simply posted the videos without permission after they were sent to him.

If you did not send the videos to the respondent, you must file an amended claim with factual allegations (not just statements) that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how 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 respondent; or (c) is so

strikingly similar to the respondent's work that the respondent could not have created it independently. Alternatively, you can upload copies of your work and the allegedly infringing work if they 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 also does not include enough facts that explain the similarities between your works and the respondent's allegedly infringing works. 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 works are similar.

As described above, your claim states that your works are "screenplay(s) in skit form video" but you do not provide any information describing or depicting the respondent's works. No allegations in the "Describe the infringement" field of the claim describe the allegedly infringing works, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your works or the allegedly infringed works as supplemental documents. You have included several hyperlinks in the claim, however because, in part, hyperlinks can lead to material that is no longer available online, the Board will not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental documentation.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your works were taken by the respondent in the allegedly infringing works, or documents that are sufficient to show the similarities. 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. More 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.

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