



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0189
July 1, 2024

Christopher MacDonald

CLAIMANT

v.

Skills Course

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 **July 31, 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.

Legal or Beneficial Ownership

You have raised a claim of copyright infringement before the Board. The “Works infringed” section lists seven allegedly infringed motion picture or audiovisual works, which you describe as online courses teaching video editing. The claim does not present clear facts that indicate that you personally are a proper claimant to bring this infringement claim, rather than Film Editing Pro Inc. (FEPI), the copyright owner identified in the copyright registrations for those works. If you submit an amended claim, it must clarify the discrepancy.

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 you were the legal or beneficial owner of rights in the allegedly infringed works. However, the Copyright Office registered the works under FEPI's name. The registration certificates list you as an author of the registered works, but FEPI is the only copyright claimant listed. The registration certificates also list FEPI as an author as "employer 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. In correspondence with the Copyright Office, you identified yourself as FEPI's owner, but that does not indicate that you personally own any copyright interest in the works. The law considers corporations to be separate legal entities from the individuals who own them.

If information in the claim identifying the claimant or the author of the work is inaccurate, you may correct that information in an amended claim. For example, if FEPI is the owner and author of the registered works as "works made for hire," the amended claim should name FEPI as the claimant instead of Christopher MacDonald. To name an organization as claimant, you will need to change your eCCB user type from "self-represented party" to "authorized company representative" before amending your claim and re-entering the information.

However, if you personally are the copyright owner, you must include specific allegations about how you own, or have 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 you owned exclusive rights in the work at the time of the infringement, or by submitting supplemental documents. For example, you may describe your relationship with FEPI and state how you obtained legal or beneficial ownership of copyright, such as by assignment or exclusive license, or include supplemental documents demonstrating your legal or beneficial ownership. If you include copies of an assignment or license as a supplemental document, they must be clearly labeled and identified.

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