



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0156
June 14, 2023

Donna M Conner

CLAIMANT

v.

Life Rich Publishings, aka, Author Solutions Inc,
Readers Digest

RESPONDENTS

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 14, 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.

Copyright Infringement Claim – 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 or clarity about how the respondents had access to your work or how the respondents’ work(s) is substantially similar to your work. Please provide more details and background regarding these elements in your amended claim.

Copyright Infringement – Clarity

Your claim includes allegations that indicate that this claim may have already been decided in court. The “Description of harm suffered and relief sought” field of your claim form states: “Over a decade ago Author Solutions Inc was taken to Richmond VA Federal Court for damaging my first book. Author Solutions worked with Lionsgate Production Company that made a movie from my first book, case 404-cv-117” and “Authors Solutions, now Life Rich Publishing, damaged me bad therefore I proceeded to take them to the US District Court for Richmond, Virginia, case: 08-10216 involving intellectual property crime.” It appears that you are raising previously litigated disputes between you and the respondents possibly involving works other than *Systemic Racism in the Commonwealth of Virginia*, but it is not clear what work(s) were involved in the litigation. The Board cannot hear a claim that has been finally adjudicated by a court of competent jurisdiction unless that court has granted a stay to permit the claim to be brought before the Board. Your amended claim needs to exclude any allegations of copyright infringement that have been previously resolved in arbitration or federal court and focus only on allegations of new infringing activity.

In addition, your claim does not make clear enough factual allegations about the wrongful activities that you currently accuse each respondent of doing. You state that you received an email that said “[I] have the book and after editing the book send it to LifeRich Publishing and they will publish book for me,” but you do not provide the identity of the sender or their relationship to respondents. Further, the “Description of harm suffered and relief sought” field of your claim form states: “I thought it was over but six years after placing in writing to Author Solutions to stop selling work I found my work, 404-cv-117 at Barnes and Noble.” This field, which appears to refer to a different work than *Systemic Racism in the Commonwealth of Virginia*, does not include enough information about what the respondents allegedly did to infringe your work. Your amended claim needs to include additional information that makes clear what the infringement was and how the respondents infringed your work.

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. 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; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently. Your claim includes allegations that the respondents engaged in “hacking” but does not include any specific information about how the respondents accessed your work. When you submit an amended claim, if you keep that allegation, you must explain it more fully by stating specific and reasonably possible facts about how you believe the hacking occurred, including how the respondents were able to access your work.

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 work and the respondent's allegedly infringing work. 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 work are similar.

Your claim states that your work is a nonfiction literary work. However, you do not provide any information describing or depicting your work. No allegations in the "Describe the infringement" field of the claim describe your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your work or the allegedly infringed work as supplemental documents. As a result, the claim does not provide enough information to enable the respondents to understand the claim and respond to it. When you submit an amended claim, it must include factual allegations that support the element of substantial similarity. Please provide more information and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondents in the allegedly infringing work, 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.

Copyright Infringement– Improper Relief

Your description in the "Describe the harm suffered and the relief sought" field includes a request that criminal charges be brought against the respondents." That is not relief that the Board can order; the Board is not authorized to hear or rule upon criminal matters.

Further, it appears that you are seeking a larger damages award than the CCB can grant for this type of claim. The maximum amount of statutory damages available from the CCB is \$15,000 for each work that was infringed (or \$7,500 per work in instances where the copyright was registered both after the infringement started and not within three months of your work's first publication). 17 U.S.C. §§ 1504(e)(1)(A)(ii)(I)-(II). Your claim requests "thirty thousand dollars from Life Rich Publishings." However, based on facts included in your claim, it does not appear that the Board may award you more than \$7,500 per infringed work in statutory damages.

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