



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0054
March 8, 2024

Guido Karp

CLAIMANT

v.

Nigel Newton, Bloomsbury Publishing Inc

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 **April 8, 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.

Registration

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 “VA1658484” as the registration number for both works. A Board search of Copyright Office records shows that the works were registered in a different registration titled “Take That/ The Ultimate Tour 2006 (Stadiums)” as “VA0001658480.” When you amend your claim, you must edit the “Works infringed” section and amend the registration number to VA0001658480 and the effective date of registration to December 2, 2008.

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 each respondent used the work without your permission and how the first photograph (1208tth02) is substantially similar to the respondent's work. Please provide more details and background regarding this element in your amended claim.

Infringing Activity — Clarity

You allege that two respondents, Nigel Newton and Bloomsbury Publishing Inc, have distributed, reproduced, and displayed your works. However, your claim does not present facts that clearly state how *each* respondent used your exclusive rights in the allegedly infringed work without permission. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display 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.

In your claim, you list the same contact information for both respondents which indicates that Nigel Newton may be an employee of Bloomsbury Publishing Inc. An individual employee is not liable for infringement unless you can show specific facts about that employee's involvement in the infringement. Your allegations do not describe any specific acts that *each* respondent engaged in that violated your rights, or explain the relationship between the two respondents.

When you submit an amended claim, you must more fully explain how each respondent infringed each of your allegedly infringed works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe the infringing acts of *each* respondent. 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 state facts to support an infringement claim, or against any named respondents, you must omit them in the amended claim.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between one of your works 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 works are photographs. You separately filed what appears to be both of your photographs and a photograph of the allegedly infringing book showing the second work (20049 tth02). However,

you do not enough information describing or showing the similarities to your first work (1208tth02). No allegations in the “Describe the infringement” field of the claim describe the allegedly infringing work, or state or show how they are identical or substantially similar. It appears that the supplementary document titled “[1208tth02](#)” is your work, however, unlike “20049 tth02” you have not provided a copy of the allegedly infringed work.

As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it. When you submit an amended claim, it must include additional 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 “1208tth02” were taken by the respondent 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.

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