



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0083

April 23, 2024

Jennifer Jamison

CLAIMANT

v.

Microsoft Corporation, New York Institute of Technology,  
and The Church of Jesus Christ of Latter-Day Saints

RESPONDENTS

## SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **May 23, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second 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 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). The claim must include the copyright registration number and effective date of registration, if the registration has issued, or the service request number for a pending application for registration if it has not issued. 37 C.F.R. § 222.2(c)(7)(ii)(C)-(D).

In the “Works infringed” section of the amended claim, you list two allegedly infringed works, titled “Complete Writings of Jennifer Jamison” and “Photos.” You state that the Copyright Office has registered both works and you provide TX0007702215 as their registration number. However, it is not clear which photographs you claim were infringed, or that those photographs are covered by a registration or application for registration.

A supplemental document filed with the amended claim, labeled [2024 CCB - Exhibit C - 1 Edited Photos - Jamison.pdf](#), (“Edited Photos”) shows two photographs and indicates that third parties altered the photographs.

While you seem to allege infringement of multiple photographs (“Photos”), only the first of those two photographs was included in the materials deposited with the Copyright Office as part of the TX0007702215 registration.

If you file a second amended claim, you must identify any allegedly infringed photographs more specifically, and include a valid registration number, or a valid service request number for a pending application for registration, that covers each. The Board cannot hear this claim unless each work was registered, or a complete application to register the copyright was submitted to the Copyright Office, *before* the claim was filed on March 12, 2024. If any of your works were neither registered nor subject to a complete pending application at that time, this claim cannot be successfully amended and cannot proceed with those works. Instead, you would have to omit those works from the claim, or refile your infringement claim as a new claim in a new proceeding after submitting complete application packets for those works. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

### **Legal or Beneficial Ownership**

To bring a copyright infringement claim before the Board, you 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.

Your claim provides conflicting information about your status as a legal or beneficial owner of the allegedly infringed photographs. In the “Works infringed” section, you name yourself as the author of the allegedly infringed photographs, and when the claim was submitted, you certified that you are the legal or beneficial owner of rights in the works identified in the infringement claim. However, in a supplemental document labeled [2024 Amended Claim 24-CCB-0083 - Jamison.pdf](#) (“Additional Allegations”), you state: “The photographer is Becky Maldonado. . . . The person who is the photographer who took the photos that I had copyrighted, served an LDS Mission in Spain.” You cannot assert infringement of the photographs unless you are the legal or beneficial owner, or you have an exclusive license to use the exclusive rights at issue in the claim.

If you file an amended claim, and you maintain the allegations of infringement of the photographs, you must include specific allegations about how you own them, or how you 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 your ownership in exclusive rights in the work at the time of the infringement, or by submitting supplemental documents that demonstrate your rights. Alternatively, you can remove the photographs as a claimed infringed work, and remove your allegations of infringement of those works.

## **Infringing Activity**

Your claim does not present enough facts to clearly state how the respondents used any exclusive rights you have in the allegedly infringed works 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 the Additional Allegations document, you state that employees of each respondent accessed the literary work “Complete Writings of Jennifer Jamison” and “used it as an assignment at The New York Institute of Technology.” That assertion is not specific enough about which employees used the book, or when, or how it was used, to support an infringement claim. In the same document, you assert that “copyrighted works and photos have disappeared from my Microsoft OneDrive account,” that “the perpetrators . . . have stolen photos of me in-person and online,” and that the New York Institute of Technology “is guilty of plagiarizing my book by taking it from my email account.” However, allegations that someone has taken tangible or digital copies of a work may support a claim of theft or larceny, but not infringement, unless they then used those works in a way in conflict with the copyright owner’s exclusive rights under copyright law.

The Additional Allegations document also states: “The perpetrators have edited my book covers and photos that are copyrighted.” In the “Works infringed” section of the amended claim, you allege that Microsoft employees “logged into my account and edited my photos on my nose to make my nose appear to be larger.” Text on each photograph in the “Edited Photos” document states, “This is a cover of my book and it is not my nose,” which seems to indicate that the photographs shown are the edited, allegedly infringing works, including the cover photograph from “Complete Writings of Jennifer Jamison.” However, a Board review of Copyright Office records finds that the same photograph was included in the TX0007702215 registration, so no alterations are apparent. Therefore, your allegations that the photographs were edited to make a derivative work without your authorization do not appear to support an infringement claim.

If you submit a second amended claim, it must describe the allegedly infringing activity more clearly. Identify specific material that is covered by your registration or a pending application that you allege the respondents infringed, and state facts that reasonably indicate how they might have infringed that material.

In addition, while your amended claim alleges infringement dates from 2014 to the present, the Additional Allegations indicates that the infringing acts began in 2005. In your second amended claim, specify when the allegedly infringing acts happened, and provide details that describe or show infringing acts by each respondent.

## Final Amendment

Your amended claim resolves some, but not all, of the issues raised in the March 19, 2024 noncompliance order. **This is your third and final opportunity to submit a compliant claim. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

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 Attorney