



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0248

United States Copyright Claims Board

Suzanne Bucknam

CLAIMANT

V.

Ryan Ouellette

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **January 17, 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.

Infringement Claim – Access

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. 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 facts about how the respondent had “access” to your work. “Access” means a reasonable opportunity to view or hear the 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 each 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 them independently.

Copyright Infringement Claim – 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 materials 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 merely states that the allegedly infringing work is “a reworking of my original content.” However, you do not provide any information describing or showing 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.

Based on the information you have provided, your claim does not state enough facts to support your assertions that the respondent’s “Are there Wolves in CT? [2022 Update]” amounts to copyright infringement. While you have provided links to your article and the respondent’s article, the claim itself does not explain how the respondent’s work is substantially similar in expression to your article. An alleged infringer must have copied your original elements of expression. Stated another way, to be infringing, the respondent’s article must be substantially similar to original elements of expression in your article that copyright protects. Your claim does not provide enough information to enable the respondent to understand the claim and respond to it.

A valid copyright only extends to the copyrightable matter in a work. Copyright law does not protect ideas. 17 U.S.C. § 102(b); *see also* Section 313.3(A) of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Further, copyright does not protect the underlying facts of a work because a person who finds and records a particular fact does not create that fact; they merely discover its existence. As the Copyright Office further explains in [Section 313.3\(C\)](#), a newspaper may be registered, but the registration does not cover the information regarding current events contained in each article because the news of the day is “not the creation of the writer,” but rather belongs to the public. Instead, copyright protects original elements of expression. Other writers may use the same ideas and facts in a news article to write their own article that uses their own expression. Similarly, the copyright in a literary work, such as an article, does not cover the title or headers, or “[w]ords and short phrases such as names, titles, and slogans.” [37 C.F.R. § 202.1\(a\)](#). Lastly, the U.S. Copyright Office will not

consider the so-called “look and feel” of a work. [Compendium \(Third\) § 310.4](#)

When you submit an amended claim, please include more specific allegations that could support a finding that your article and the respondent’s article are substantially similar, for example, by identifying particular details in the respondent’s text that are similar to copyrightable expression in your work, and describing how they are similar. Your description should help the respondent and the Board understand the similarities you see between the respondent’s allegedly infringing work and the protectable aspects of your work. If you file a second amended claim, you should attach the supplemental materials you want the Board to consider as part of the claim, rather than referring to them *only* with hyperlinks. If you include a copy of the work at issue as a supplemental document, it must be clearly labeled and identified so they can be properly compared to each other. However, providing copies of the works does not substitute for describing how the two works are substantially similar in expression.

Work Infringed– Author

In your claim, you list yourself, Suzanne Bucknam, as the author of the work. However, a Board search of Copyright Office records shows that the pending registration for the work, 1-11964946961, includes your pseudonym as “Shelton Lively,” which is also the name reflected as the author in the copy of your article published in the Connecticut Explorer article to which you link in the “Describe the infringement” section of the claim. For purposes of clarity, you should consider entering your pseudonym as an “alias” in the “claimant” section of the claim form.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney
December 15, 2022