



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0009

March 21, 2023

Felicia C. Williams

CLAIMANT

v.

Amazon Kindle and Ingram Spark

RESPONDENTS

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.

Before the Board finished reviewing your claim for compliance, you informed the Board that you wished to amend the claim to add more supplemental documents and to clarify the relationship between your registered work and the allegedly infringed works. Amending a claim while compliance review is pending requires the Board's permission. 37 C.F.R. § 222.12(a) & (d). Board staff notified you that to request permission, you must submit a Request for Leave to Amend Claim through eCCB or the Board would complete its compliance review of the claim as filed. No such request has been filed on eCCB, and therefore your request is denied; however, you are now free to amend the claim. If you wish to proceed with this claim, you must file an amended claim by **April 20, 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.

Clarity

In the claim, you identify the allegedly infringed work as a book titled “The Desperate Fugitives.” However, the allegations in your claim do not present facts that state how either respondent used that work without permission. Instead, your claim includes allegations of infringing use of books titled “Strangers in the Block” and “The Secret Agenda.” If you file an amended claim, it must clearly allege facts that show that “The Desperate Fugitives,” rather than other works, was infringed. In communications with the Board, you have described “Strangers in the Block” and “The Secret Agenda” as books with the same contents as “The Desperate Fugitives” under alternate titles. If that is the case, your amended claim must clearly explain those allegations.

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).

Your claim identifies a Copyright Office registration for your book “The Desperate Fugitives,” but as discussed above, your claim does not appear to include any allegations that the respondents infringed that copyright. While your claim includes allegations of infringing use of books titled “Strangers in the Block” and “The Secret Agenda,” Copyright Office records indicate that you have not obtained copyright registrations for those two books, and that you had not applied to register those copyrights at the time you filed this claim.

If your amended claim includes allegations that “Strangers in the Block” and “The Secret Agenda” are alternate titles for “The Desperate Fugitives,” then your copyright registration for that book would support a claim of infringement under those titles. Otherwise, registrations for the allegedly infringed works must have been issued, or complete applications for registration must have been delivered to the Copyright Office, before you filed your claim on January 12, 2023. If “Strangers in the Block” and “The Secret Agenda” are not alternate titles for “The Desperate Fugitives” and they were neither registered nor subject to pending applications at that time, you cannot proceed based on allegations of infringement of those works. Instead, you would need to apply to register the copyrights for those allegedly infringed works before you could raise those allegations in a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement – Elements

If you file an amended claim alleging that the respondents infringed the copyright of “The Desperate Fugitives,” you 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 original claim does not present facts to support any of the elements of a copyright infringement claim about “The Desperate Fugitives.” Instead, your allegations about infringing acts refer to sales, printing, and distribution of books titled “Strangers in the Block” and “The Secret Agenda.”

If you submit an amended claim, it must include facts that more fully explain how the respondents infringed “The Desperate Fugitives.” To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyright, specifying how each respondent engaged in the

infringing activity. You should be as detailed as possible, setting forth what both respondents did in relation to the work you allege was infringed. The claim must provide enough information to enable the respondents to understand the claim and respond to it.

Unrelated Respondents

The Board can only hear claims asserted against multiple respondents if all claims in the proceeding “arise out of the same allegedly infringing activity or continuous course of infringing activities[.]” 17 U.S.C. § 1504(c)(6). In the “Describe the infringement” section of your claim, you assert that Ingram Spark distributed your book “The Secret Agenda” to book vendors after you cancelled its authorization, and you assert that Amazon sold copies of your book “Strangers in the Block” as an e-book online after you cancelled with Amazon. However, you do not appear to allege that both respondents acted together, or that your claims against them arise out of the same infringing activity or activities. To address this issue, your amended claim must either be raised against only one respondent (or set of respondents, if you allege that they acted together in the same course of conduct), or must include facts that indicate that the respondents jointly engaged in the same allegedly infringing activities or were parts of a chain of one continuous course of infringing activities. For instance, if Ingram Spark provided the work to Amazon for sale on its site, you should provide details of the relationship or between the two respondents regarding this work.

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 supplementary 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