



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0310

September 29, 2023

Keith F. Bell

CLAIMANT

v.

Chris Lewis, Scott Goldberg, Bankers Life

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 **October 30, 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 – Respondent Clarity

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly (display/perform) 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.

Your copyright infringement claim does not present any facts that state how Bankers Life or Scott Goldberg used your exclusive rights in the allegedly infringed work without permission. Although your claim is compliant with respect to one of individual respondents, Chris Lewis, it does not include any allegations of infringing activity by Bankers Life or Scott Goldberg and, therefore, it is not compliant with respect to these respondents.

It appears that you may be trying to raise a claim of secondary infringement against one or more of the respondents to hold them liable for activities by another party. A copyright infringement claim may be also raised against a “secondary infringer” who does not engage in any infringing acts directly, but profits from or facilitates acts of direct infringement by others. To support a claim of secondary infringement, you must provide additional facts about how the respondents acted with relation to these other activities.

Secondary infringement claims must be based on either “vicarious liability” or “contributory liability.” Your claim does not include enough facts to support either of these grounds for secondary infringement.

- A vicarious liability claim must state facts that indicate that the respondents had the right and the ability to supervise or control another party’s infringing activity and received a direct financial benefit from the infringement.
- A contributory liability claim must state facts that indicate that the respondents know about another party’s infringing activity and induces, causes, or substantially contributes to that infringing conduct.

A secondary infringement claim, whether based on vicarious or contributory liability, must allege some underlying direct infringement by another party.

If you submit an amended claim, it must include facts that more fully explain how each respondent infringed your allegedly infringed work. To address this issue, your second amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how Bankers Life and Scott Goldberg engaged in the infringing activity. You should be as detailed as possible, setting forth what each respondent did in relation to the work you allege was infringed. If you intend to assert a claim of secondary infringement, then your amended claim must explain how each respondent’s activities meet the requirements of either vicarious or contributory liability set forth above. The claim must provide enough information to enable each respondent to understand the claim and respond to it.

Alternatively, if you do not contend that Bankers Life and Scott Goldberg participated in the same course of allegedly infringing activity, your amended claim should omit them as respondents unless you make detailed and clear allegations against them.

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