



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0186

United States Copyright Claims Board

John Martin and Corridor Digital, dba The Corridor Crew

CLAIMANTS

v.

Sam Gorski

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 **December 7, 2022**. 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.

Claimant Information

It appears that you have mistakenly listed one of the alleged infringers as a claimant. You allege that “[t]he Corridor Crew, without my permission illegally used tiny snippets of my compilation video,” yet you have named “Corridor Digital, dba The Corridor Crew” as a claimant, not as a respondent, in the claim form. To correct the mistake in an amended claim, please remove the organization as a claimant and add it as one of the respondents if, in fact, you believe it infringed your work.

Clarity – Infringing Activity

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.

A claim can be unclear if it does not include enough detail with respect to how the respondent used your copyright protected work. Your claim does not include enough information or clarity about the work you created and what was allegedly used by the respondent. You describe your work as “a compilation video of my UFO experiences over the last three years.” You state that the respondent “used tiny snippets of my compilation video” at “the 11 minute mark for 46 seconds.” The additional documents you uploaded after filing your claim state that the respondent used three to four second “snippets.” It is unclear if one or more clips of the allegedly infringed work was used, and for how long.

Your copyright infringement claim must provide enough information for the respondent to understand what the allegedly infringing acts were. In your amended claim, you must include clarifying information describing the work you created, how many clips or snippets were used, and the amount of your work used in the allegedly infringing work.

Copyright Infringement– 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 states that your work is a “compilation of UFO experiences.” However, you do not provide any information specifically describing or showing your work. You do not, for example, state whether any of the footage in the compilation was filmed by you or whether your compilation consisted of video clips that were filmed by other persons. In other words, were you the author of any or all of the video clips in the compilation, or were you only the author of the compilation? No allegations in the “Describe the infringement” field of the claim specifically describe your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your work or the allegedly infringed work as a supplemental uploads. 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 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 your work were taken by the respondent in the allegedly infringing work and whether each of those portions was created by you, perhaps accompanied by supplemental materials uploaded with the claim 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. Only documents attached to your amended claim as supplemental materials will be considered, so you should attach any documents you wish considered to your amended claim. Do not, however, attach extraneous or irrelevant materials to your amended claim.

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.

Impermissible Claims

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital Millennium Copyright Act (DMCA).

17 U.S.C. § 1504(c)(1)-(3). You checked the box stating your claim was one of copyright infringement. In the “Describe the infringement” section of the claim, however, you appear to include allegations of defamation. These allegations do not appear to be about the type of claim that the Board could hear. Similarly, in the “Description of harm suffered and relief sought” section you assert that respondent’s actions “have been devastating to me personally and has caused grave damage to my name and my YouTube channel” and that the “disparaging of my work to potential buyers of my book has been devastating to me personally and financially.” The Board cannot award damages for such emotional and reputational harm.

Please review [Circular 1: Copyright Basics](#) and the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. You should only file an amended claim if you can state facts to support a claim under copyright law that can be heard by the Board.

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

November 7, 2022