



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0061

February 20, 2025

Apple Computer, inc. and Robert Pietz

CLAIMANTS

v.

Apple, inc.

RESPONDENT

## ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **March 24, 2025**. 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.

### Legal or Beneficial Ownership – Claimants

To bring a copyright infringement claim before the Board, the claimant 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. A claimant who is not a named author or copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

You allege infringement of a work registered by the Copyright Office with Registration No. PA0002028863. Your claim includes a copy of the Copyright Office’s Public Catalog [listing](#) for that work. The listing indicates that the registration, which became effective in 2016, covers a 1997 motion picture titled “Think Different” authored by Apple Computer, Inc., and that the copyright has been transferred to Apple Inc. by a written agreement.

Your claim does not state facts that indicate how Robert Pietz (Pietz) is a proper claimant to bring this infringement claim. You appear to contend that the copyright owner named in the registration records, Apple Inc., lost its ownership upon a “filing with the Department of State of Florida dropping the DBA,” which is not credible and has no apparent legal basis. In the “Describe the infringement” section of the claim, you assert that a different entity, “Apple Records, Inc., owns the rights to this copyrighted work.” No facts presented in the claim support that bare assertion which, even if true, would not make Pietz a proper claimant. Copyright Office records do not list either Pietz or Apple Records, Inc. as an author or copyright owner of the work, and you assert no facts showing that either Pietz or Apple Records, Inc. is a legal or beneficial owner of the copyright, or that either of them has an assignment of, or an exclusive license to use, the exclusive rights at issue.

If Pietz is a copyright owner of the “Think Different” work, then to address this issue, you must file an amended claim that includes specific allegations about how he owns, or has an exclusive license to use, the exclusive rights at issue in that work. You could do this either by adding facts to the “Describe the infringement” section explaining how Pietz owned exclusive rights in the work at the time of the infringement, or by including supplemental documents, such as an assignment or exclusive license, demonstrating Pietz’s legal or beneficial ownership. However, be aware that a document showing that Apple Inc. stopped using a DBA name in Florida would not be a basis to claim that Apple Inc. lost copyright ownership of “Think Different” or that Pietz, Apple Records, Inc., or any other person or entity obtained its copyright ownership.

If Pietz is not personally a legal or beneficial owner of the copyright, then he is not a proper claimant to bring this infringement claim, and any amended claim must omit him as a claimant.

### **Authorized Representative**

A business entity appearing before the Board must appear through a lawyer, authorized law student, or an “authorized representative” who is an owner, partner, officer, member, in-house attorney, or authorized employee of the business entity. 37 C.F.R. §§ 232.6(a)-(b). An authorized representative must certify that he or she is an authorized agent of the business entity and may bind that entity in the proceeding pending before the Board. 37 C.F.R. § 232.6(c). More information about the requirements for representing a party is available in the [Representation](#) chapter of the CCB Handbook.

The claim lists “Apple Computer, inc.” as the other claimant besides Pietz and with Pietz’s address. Pietz, who filed the claim, has named himself as its “authorized representative” and certified that he is an “Owner, officer, partner or member” of that entity. However, the claim does not present facts that suggest he has any such role in, or any authority to act as a representative of, the entity named Apple Computer, Inc. that is listed as the author of the copyrighted work. The claim lists the same mailing address in Tamarac, Florida for both claimants, which suggests that the corporation listed as a claimant may not be the Apple Computer, Inc. that the 2016 registration listed as the author of “Think Different,” but may instead be a different entity named “Apple Computer, inc.”

If Pietz is an owner, officer, partner, or member of the Apple Computer, Inc. that was listed as the author of “Think Different” in the 2016 copyright registration, then in an amended claim, you must present enough facts or

supplemental documents to show that he has such a role. However, if Pietz is not an owner, officer, partner, or member of the Apple Computer, Inc. that was listed as the author of “Think Different” in the copyright registration, then he appears to have no authority to raise this claim on its behalf, and in an amended claim, you must either omit “Apple Computer, inc.” as a claimant, or state additional facts that explain how Pietz is authorized to represent the named claimant “Apple Computer, inc.” and how that claimant became a legal or beneficial owner of the copyright.

## Ownership – Respondent

An infringement claim cannot proceed against an owner or co-owner. Information about joint ownership of a copyright is available at pages 9-10 of the [Responding to an Infringement Claim](#) chapter of the CCB Handbook.

Copyright Office records list respondent Apple Inc. as the owner of the allegedly infringed work. That is incompatible with a claim of copyright infringement against Apple Inc. because a copyright owner or joint owner cannot be liable for infringing that copyright. If Apple Inc. owns or co-owns the copyright for “Think Different,” then it is not a proper respondent before the Board and you should not submit an amended claim.

If you file an amended claim against Apple Inc., you must, if truthful, explain why it is not an owner or co-owner of the copyright, and you must also clearly present additional facts to explain why the statement in Copyright Office records that Apple Inc. owns the copyright is incorrect.

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.

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