



COPYRIGHT CLAIMS BOARD

Docket numbers: 24-CCB-0135, 24-CCB-0136,
& 24-CCB-0148
May 20, 2024

Anna Elizabeth

CLAIMANT

v.

Tracy Armstrong

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

You filed the above-referenced claims of copyright infringement against the same respondent. The Copyright Claims Board (Board) finds that your claims do not comply with the requirements of the CASE Act and related regulations. The claims cannot move forward unless they are amended.

If you wish to proceed with these claims, you must file an amended claim in *each proceeding* by **June 20, 2024**. If you do not, the Board must dismiss your claims 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 claims 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 claims before you file them 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 Registration

An infringement claim must include the registration number for the allegedly infringed work or, if the Copyright Office has not registered the work, the service request number for a pending application to register the copyright. 37 C.F.R. §§ 221.1(b) & 222.2(c)(7)(ii)(C)-(D).

In the “Works infringed” section of each of your claims, you state that the allegedly infringed sound recordings were registered by the Copyright Office, and you list a registration number for each work. However, the numbers you provide are not registration numbers but service request numbers for pending applications. Copyright Office records show that you submitted the applications on May 8, 9, and 15, 2024. If you file amended claims before the registrations issue, answer “No” to the question, “Has the work been registered by the Copyright Office?” and identify the service request numbers as service request numbers. If, however, the registrations issue before you amend the claims, provide the registration numbers instead.

In addition, in Claim No. 24-CCB-0136, the same allegedly infringed work is listed twice in the “Works infringed” section. If you amend the claim, delete one of the duplicate listings.

Access

Your claims do not provide facts about how the respondent had access to the allegedly infringed works.

“Access” means a reasonable opportunity to hear or copy the work before the alleged infringement took place.

To address this issue, you must file amended claims with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your works (a) were sent directly to the respondent or a close associate of the respondent; (b) were widely disseminated or were available to the respondent; or (c) are so strikingly similar to the respondent’s works that they could not have been created independently.

Alternatively, you can upload copies of your works and the allegedly infringing works if they demonstrate that the works are so strikingly similar that they could not have been created independently. Your claims appear to include copies of your works, but not the respondent’s allegedly infringing works. 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.

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.**”

Repeat the above steps for **each claim** that you are amending.

If you have questions, please contact asktheboard@ccb.gov. Include your docket number(s) 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