



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0392

January 14, 2025

Triple Crown Publications

CLAIMANT

v.

Simon and Schuster Atria Books,
Simon and Schuster Digital

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 **February 13 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.

Respondent Clarity

In the “Respondent” section, your claim lists only “Simon and Schuster Atria Books, Simon and Schuster Digital” as a respondent. As an initial matter, it is unclear if you mean these to be one respondent or two respondents. If two, they should be split out as separate respondents. Furthermore, in the section concerning online service providers (OSPs), you answer “Yes” to the questions, “Are any of the respondents online service providers?” and “Did you send the online service provider a ‘takedown notice’ as required by Section 512 of the Copyright Act?”; and you list “Amazon.com, Amazon Seller Services, Amazon Distribution etc INGRAM Distributors” in the “Respondent name or organization” field to describe which of the respondents in your claim you believe to be OSPs.

Those inconsistent allegations must be corrected in an amended claim. In general, your claim must more specifically and clearly state what each respondent did to infringe your works. You may attach documentation to your amended claim, such as screenshots of your work and the supposedly infringing actions, to make this clearer. Also, special rules apply to infringement claims brought against OSPs, which provide online services to store (and make available), refer to, provide access to, or link to material that is available online. OSPs include content-sharing

websites and internet search engines, among other services. You have not stated allegations that indicate that the named respondent is an OSP and you have not named Amazon or any related entity as a respondent in the respondent name field. In any case, your current allegations also do not indicate that Amazon would be proper respondent. “Safe harbors” in section 512 shield certain OSPs from paying damages for copyright infringement claims if, among other things, they take steps to quickly remove or disable access to allegedly infringing material when the copyright owner sends them a proper takedown notice; and if they restore that material ten to fourteen business days after the uploader sends them a proper counter-notice seeking reinstatement—unless the copyright owner files an infringement claim, in court or before the Board, and notifies the OSP of the claim before the OSP reinstates that material. 17 U.S.C. §§ 512(g)(2) & 1507(d). To bring an infringement claim against an OSP that is otherwise eligible for the safe harbor, you must state facts that indicate it did not follow these procedures. *Id.* § 1506(f)(1)(C). If Amazon promptly removed the allegedly infringing material when it received your takedown notices, or reinstated it based on proper counter-notices from the uploader, it would not be a proper respondent. If you file an amended claim, use the term “respondents” only to refer to people and entities listed in the “Respondent” section. If no named respondent is an OSP, your answer to the question “Are any of the respondents online service providers?” must be “No.”

Legal or Beneficial Ownership

Your claim provides unclear information about the claimant's status as a legal or beneficial owner of the allegedly infringed work. 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 an author or named 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.

The claim does not present facts that indicate that Triple Crown Publications is a proper claimant. A Board search of Copyright Office records shows that Vickie M. Stringer is the copyright claimant of the registration listed in the claim. Even though you may be the owner of Triple Crown Publications, the law considers entities to be separate from the individuals who own them. Because the copyright claimant listed on the registration certificate is not the entity named as claimant in the proceeding and you have not included any additional information about the ownership of the copyright rights, your claim may not proceed.

To correct this issue, your amended claim must include specific allegations about how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. To correct this issue, you can either (1) amend the claim to name yourself (Victoria Stringer) as claimant instead of Triple Crown Publications or (2) provide additional information about how the copyright is actually owned by Triple Crown Publications, or was exclusively licensed to

Triple Crown Publications. You may also choose to include supplementary documentation such as an assignment or license that explains how these rights were transferred to Triple Crown Publications. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

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. 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 Board