



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0099

April 11, 2025

Qwik Law LLC - DBA Qwik Code, Brian Sims

William Hollister

CLAIMANTS

v.

Heidi Hollister, Quick Codes Inc.

RESPONDENTS

## SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **May 12, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended 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—Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. 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. 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.

Your claim does not provide enough clear facts about the ownership of the works and how the respondents’ works

are substantially similar to your works. Please provide more details and background regarding these elements in your amended claim.

### **Legal or Beneficial Ownership — Clarity**

Your claim provides unclear information about each claimant's status as a legal or beneficial owner of the allegedly infringed works. 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 all the named claimants are proper claimants.

In your amended claim, you state “I, Brian Sims along with William Hollister own valid *copyrights* as a claimant and have been given exclusive license to the copyrights at issue in the work by Glenn Hollister” (emphasis added). It is unclear if you are referring to the transfer of the exclusive rights to the one work owned by Glenn Hollister (CSN0042050) or if you are referring to an exclusive license to all of the works. As noted above, 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. Based on the current information in the registrations and in your claim, it does not appear that Glenn Hollister could have given you an exclusive license to any work other than the one you have labeled “Qwik-Code ... California penal code :law enforcement reference manual to principal sections of the California penal code” (CSN0042050). It is acceptable if some of the claimants own or are the exclusive licensee of some of the works, but you need to be more specific in your claim.

To correct this issue, your second amended claim must make clear which works are tied to each claimant as the legal or beneficial owner. You can do this either by adding further clarification to the “Describe the infringement” section explaining how each claimant was the owner of exclusive rights in which works at the time of the infringement or by submitting supplemental documents. If the information in the claim identifying the claimant or the authors of the work is inaccurate, you may correct that information in an amended claim. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

### **Substantial Similarity**

Your claim also does not include enough facts that explain the similarities between your works and the respondents’ allegedly infringing works. If it is not readily apparent from supplemental documents that are

submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing works are similar.

In your amended claim, you state that “[t]he 2024 books Heidi has produced is substantially similar and verbatim to the law summaries that we Qwik Code have summarized. When you compare our 2023 books to her 2024 books, you can see they're almost identical.” You have also included your “2023 penal code cover” and the respondent’s “2024 penal cover” for comparison. Additionally, you note that “we were not able to create a 2024 book as the theft caused too much of a delay to get into production for the 2024 year.” However, it is still unclear if you are alleging infringement of the 2025 California Peace Officers' Penal Code Law Summaries.

While the respondent’s allegedly infringing 2023 work may include “substantially similar and verbatim” sections from the 1982 and 1994 versions of your work, the registration of the 2025 version of the work excludes previously published material including any updates made in between 1994 and 2023. A Board review of the registration for “2025 California Peace Officers' Penal Code Law Summaries,” shows that the registration includes a limiting statement that excludes “previous version and text of government works or government edicts” from the registration. Copyright registration covers the new expression that the author created and contributed to the work, but it does not cover any unclaimable material including previously published material. More information about the scope of copyright registration is available in [Chapter 500](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition* (“*Compendium*”). The infringed work must be substantially similar to the particular edition and creative content covered by the registration upon which you are suing. If the respondent has not infringed the new material covered by the registration of the 2025 California Peace Officers' Penal Code Law Summaries then you must remove it from the claim.

In your second amended claim 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, or documents 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.

### **Final Amendment**

Your amended claim resolved some, but not all, of the compliance issues raised in the April 2, 2025, Order to Amend Noncompliant Claim. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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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