



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0168  
May 27, 2025

Klay E. Rogers

CLAIMANT

v.

Brent K Rogers, Brent Rogers Creative Services, Inc

RESPONDENTS

## 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 **June 26, 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.

### 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 facts about the respondents’ infringing activity. Please provide more details and background regarding this element in your amended claim.

## Infringing Activity—Clarity

Your claim does not present enough facts to clearly state how each respondent used any exclusive rights you have in the allegedly infringed work without permission. Further, you have included allegations which indicate that the work at issue may be a joint work. If two or more people contribute to a work, with the intention that their contributions will be merged into a single work, they are considered “joint authors” of that work. Any of the owners of the copyright in a joint work can enforce the copyright or give permission to others to use their rights. While there are potential types of claims that co-owners of a work could have against each other, copyright infringement is not one of them. Therefore, claims between co-owners of a work are not suitable for the CCB.

In your claim you state “No contract or collaborative agreement exists granting right of publication...The respondent rightfully owns musical compositions, full lyrics to one and one half songs. The claimant has paid for demo tracs of musical composition and therefore has rights to these recordings for promotional purposes.” Additionally, you state that “the respondent was given e-mail notice that the works were not joint works but in fact were independently created, with no collaborative agreement, and the works (music composition vs script and lyrics) are separable.” A work of authorship is considered a joint work “if each of the authors prepared his or her contribution with the knowledge and intention that it would be merged with the contributions of other authors as ‘inseparable or interdependent parts of a unitary whole.’” See [Chapter 500](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

In addition, you state that “[t]he claimant is seeking the deletion of the fraudulent copyright registration.” Registering a copyright does not constitute an act of copyright infringement, even if the person who registered the copyright does not own the copyright. These allegations do not appear to describe any infringing activity, and do not offer enough detail about how the respondents used your work in a way that would infringe any exclusive rights. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly perform the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. If you submit an amended claim, you must more fully explain how the respondent infringed your allegedly infringed work. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook

To correct these issues, you will need to clarify the authorship in the work and fully explain how *each* respondent infringed your allegedly infringed work. If one or more respondents is a joint author of the work, you cannot raise an infringement claim against them unless you can explain how you became the sole copyright owner in the work. To address this issue, your amended claim must include facts in the “Describe the infringement” section that (1) clarify the ownership of the work, (2) describe the acts infringing your copyrights in the work, specifying how the respondents engaged in the infringing activity, and (2) the infringing acts of each respondent. You should be as detailed as possible, setting forth what each respondent did in relation to the work you allege was infringed. If you

cannot state facts to support an infringement claim against any named respondents, you must omit them in the amended claim.

### **Misrepresentation—No Misrepresentation**

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online. Your claim must make enough factual allegations to support each “element” of the claim. The elements of a misrepresentation claim are that:

1. The respondent sent an OSP either
  - a. a takedown notice claiming online content or activity was infringing, or
  - b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP’s decision to take down or repost the content,
5. The OSP relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). Your claim is not compliant because it does not provide enough information about how the respondents made a misrepresentation in a takedown notice or counter-notice to an OSP. In this context, an “online service provider” is a provider of online service 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.

In your claim you state that “The respondent was given e-mail notice that the works were not joint works but in fact were independently created, with no collaborative agreement, and the works (music composition vs script and lyrics) are separable.” These allegations do not state facts that the respondents sent any DMCA takedown notice or counter-notice to an OSP relevant to a section 512(f) misrepresentation claim. If you submit an amended claim, you must omit the misrepresentation claim unless you can state facts in support of each element of the claim. More information about the elements required to assert a claim of misrepresentation is available in the [Starting a Misrepresentation 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](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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