



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0245

October 23, 2024

Wyomme A. Pariss

CLAIMANT

v.

Jasmine D Andrews

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **November 22, 2024**. 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 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.

Infringing Activity

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. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

You allege infringement of a dramatic work titled “Then Sings My Soul.” You allege that the respondent used your exclusive rights in the allegedly infringed script without permission by distributing a film based on the script. However, a supplemental document you submitted with your amended claim, with the file name [TSMS Writers Agreement.pdf](#) (“Writer’s Agreement”), seems to contradict your allegations that the respondent was not authorized to use your work.

The Writer's Agreement appears to have been signed by both you (as the "Creator") and the respondent (as the "Writer") in 2021. It is on Sullied Bride Productions letterhead. That seems to be the respondent's company, since her contact information appears in the letterhead, and Paragraph 1(c) of the Writer's Agreement conflates the company and the respondent: "Should the film be produced by any production company and sold the writer (Sullied Bride Productions) will receive 2% of the gross product from the sales of the completed film." In addition, in a [cease-and-desist letter](#) filed with the amended claim, it appears that you referred to the respondent as "you d/b/a Sullied Bride Productions."

Paragraph 2 of the Writer's Agreement states: "Upon initial agreement, Creator gives the first right of refusal to Sullied Bride Productions to Produce the screenplay 'Then Sings My Soul' into a film." That section of the agreement seems to explicitly authorize respondent to prepare a derivative work based on the screenplay, and to reproduce the screenplay in the motion picture. It also seems to implicitly authorize the collateral rights to distribute and publicly perform the screenplay via the motion picture. If the respondent had permission to use your work in those ways, they are not infringing acts. That paragraph of the agreement leaves it unclear if the respondent did anything wrongful.

If you submit a second amended claim, it must include factual allegations that indicate why Paragraph 2 of the Writer's Agreement did not grant the respondent the right to engage in the allegedly infringing activity. For example, if you contend that Sullied Bride Productions was authorized to produce a motion picture based on "Then Sings My Soul," but that the respondent was not authorize, you may include facts about what acts the respondent took that were separate from Sullied Bride Productions.

Please note that the Board's jurisdiction is very narrow. While the Board can hear copyright infringement claims, it cannot hear the sometimes related claims of breach of contract or the claim known as a claim for an "accounting." For example, if the core of a claim is not that a respondent did not have permission to use the work, but is instead something akin to "respondent was allowed to use my work but never paid me what they were supposed to," that is not an infringement claim, and therefore not a claim the Board can hear.

Final Amendment

Your amended claim resolves some of the issues raised in the August 29, 2024 Order to Amend Noncompliant Claim. However, it raises additional compliance issues discussed in this order that must be resolved for the claim to move forward. **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. 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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