



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0330

November 22, 2024

Michael A Angus

CLAIMANT

v.

Paramount Playas

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 **December 23, 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. 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 how the respondent had access to your work and how your work is similar to the respondent’s work. Please provide more details and background regarding these elements in your amended claim.

Access

Your claim does not provide facts about how the respondent had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place. In your claim, you provide screenshots of your Instagram feed, however, it is unclear how your posts gave the respondent access to your work.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently. Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. 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.

Substantial Similarity

In your claim, you allege that your novel “Billy & Ele Key To The Enchanted Lake” (“Key to the Enchanted Lake”) is infringed by a Paramount Playa’s movie “Dora the Explorer City of Gold, 2019” (“City of Gold”). However, your claim also does not clearly identify enough substantial similarity between the City of Gold and original elements of expressive material in Key to the Enchanted Lake that copyright protects. 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 work are similar.

Your claim includes a nine-page document titled “[Media.M.A.A.4151987.pdf](#)” that appears to compare the two works. Specifically, the document lists a timestamp in City of Gold and scenes that match Key to the Enchanted Lake. However, you have not shown that City of Gold is substantially similar to any such aspects of Key to the Enchanted Lake expressive material. If you amend your claim a second time, you will need to provide concrete allegations that the two works are substantially similar in the expression, or written words, contained in your works. In the document, you list plot elements that the works have in common such as an “adult character giving the map to the young boy” and “lost treasure hundred of years old,” and “after eluding danger, protagonist characters enter cave.” These are common elements in works about searching for lost treasure, and copyright does not protect stock characters, settings, and events that are common to a particular subject matter. For more information on this concept, known as *scènes à faire*, please see Section 313.4(I) in [Chapter 300](#) of the Compendium of U.S. Copyright Office Practices, Third Edition (“Compendium”). Copyright law protects original elements of expression, not ideas that are common or necessary to a particular genre.

It is not sufficient to contend that many similarities exist without specifics. You have not provided enough information to enable the respondent and the Board to understand the nature of the claim. You are not required to provide numerous pages of detailed descriptions, but you must describe or show enough facts to indicate that

substantial expressive material was taken for the claim to move forward. If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity, for example, by identifying particular scenes and details in the respondent's work that are similar to copyrightable expression in your work, and describing how they are similar. Your description should help the respondents and the Board understand the similarities you see between the respondents' allegedly infringing work and the protectable aspects of your work. Include a clear, detailed statement regarding portions of your work that were taken by the respondents in the allegedly infringing works, 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. More 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.

Relief—Relief the Over statutory Maximum

It appears that you are seeking a larger damages award than the CCB can grant for this type of claim. In your claim, you state that “I'm seeking fair value of \$5,000,000.00-\$9,000,000.00 for a movie that went on and made well over +\$300,000,000.00 at the box office.” The most that respondents can be ordered to pay in actual or statutory damages in a CCB proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). However, the maximum amount of statutory damages available from the CCB is \$15,000 for each work that was infringed (or \$7,500 per work in instances where the copyright was registered both after the infringement started and not within three months of your work's first publication). 17 U.S.C. §§ 1504(e)(1)(A)(ii)(I)-(II). If you seek damages in an infringement claim, you can seek either (1) actual damages, and the respondent's profits from the infringement, or (2) statutory damages. You can request both in your claim, but you will need to choose before the Board issues a final determination. Actual damages are money damages awarded based on the proven harm or loss you suffered. An example of actual damages may be the amount of lost sales revenue you experienced. Statutory damages are money damages awarded to a successful claimant within a range set by law, without the need to provide proof of the actual amount of harm or loss.

To address this issue, you may file an amended claim that does not allege that you are pursuing damages that the CCB cannot award.

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.

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