



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0394
December 14, 2023

Terrell Lipscomb

CLAIMANT

v.

Trey Parker, Matt Stone, Paramount Plus

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 **January 16, 2023**. 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 facts about how your work and the allegedly infringing work are substantially

similar. Please provide more details and background regarding this element in your second amended claim.

Access

Your claim does not provide facts about how the respondents had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place. To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible.

In your claim, you state that you entered “my South Park ‘Covid Blues’ script in the Nickelodeon writing program.” You also allege that that “South Park was one of the accepted shows so people in the industry already had access to my TV script” and include a link to additional information on the competition. In part because hyperlinks can lead to material that is no longer available online, the Board will not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental documentation. Because it is unclear in the text of the “Describe the infringement section” the connection between the writing program and the respondents you have not shown that the respondents had access to your work.

In order to correct the issue, you must include additional facts in the text of the “Describe the infringement” section of that explicitly states (1) that South Park was on the “Program’s Accepted Shows List” for the writing program; (2) a connection between the writing program and each of the respondents; and (3) that you believe the respondents received the script through the program. 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

Your claim also does not include enough facts that explain the similarities between your work and the respondent’s allegedly infringing work. 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.

In your amended claim you add that the works “both feature Kenny McCormick doing science and the main plot of the show is about going to basketball games [a]nd feature Japanese actors and actresses in the two episodes and my script.” You have also included your script as a supplemental document. However, the plot elements you described in the “Describe the infringement” section of the claim are too general for copyright protection.

Copyright does not protect ideas although it may protect the way ideas are expressed and as a general rule, copyright law does not protect stock characters, settings, or events that are common to a particular subject matter

or medium because they are commonplace and lack originality. However, Copyright law does protect specific expressions of an idea and where a plot is sufficiently detailed and/or the author selects and arranges an original sequence of events, it may be possible to protect the descriptive text. The test for substantial similarity “focuses on ‘articulable similarities between the plot, themes, dialogue, mood, setting, pace, characters, and sequence of events’ in two works.” *Kouf v. Walt Disney Pictures & Television*, 16 F.3d 1042, 1045 (9th Cir. 1994) (quoting *Berkic v. Crichton*, 761 F.2d 1289, at 1292). In order to satisfy this element, you must describe or show similarities between the plot, themes, dialogue, mood, setting, pace, characters, and sequence of events of your work and the allegedly infringing work.

When filing the amended claim, you uploaded a supplemental document with hyperlinks that may lead to copies of the allegedly infringing episodes, but you have not uploaded either of those allegedly infringing works as supplemental documents. When reviewing claims, the Board does not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental documentation, in part because hyperlinks can lead to material that is no longer available online. As a result, the claim still does not provide enough information to enable the respondent to understand the claim and respond to it. You may upload a copy of the allegedly infringing screenplay, along with the screenplay of your work that you have already provided, to make it easier to compare the works and see any expressive similarities. Please note that if you do file the respondents’ screenplay with the second amended claim, you must add specific allegations identifying main points in each screenplay that are substantially similar and pointing the Board and respondents to those similarities within the attachments so that the Board and respondents can easily compare the actual works to your descriptions. 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.

Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the December 4, 2023, 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. 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 Attorney