

United States District Court

DISTRICT OF NEBRASKA

COURSE IN MIRACLES SOCIETY,
a Nebraska Corporation

Plaintiff,

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER: 8:00CV211

THE FOUNDATION FOR "A COURSE
IN MIRACLES," INC.,
a New York Corporation, and
THE FOUNDATION FOR INNER
PEACE, INC., a New York Corporation,

Defendants.

TO: (Name and address of Defendant)

Foundation for Inner Peace.
P.O. Box 598
Mill Valley, CA 94942-0598

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Dennis L. Thomte
ZARLEY, MCKEE, THOMTE, VOORHEES & SEASE
1111 Commercial Federal Tower
2120 South 72nd Street
Omaha, NE 68124

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

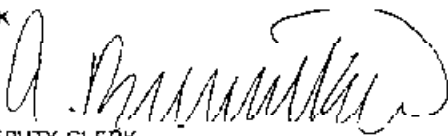
GARY D. McFARLAND

APR - 3 2000

CLERK

DATE

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DISTRICT OF NEBRASKA
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COURSE IN MIRACLES SOCIETY,
a Nebraska Corporation,

Plaintiff,

vs.

THE FOUNDATION FOR "A COURSE
IN MIRACLES," INC.,
a New York Corporation, and
THE FOUNDATION FOR INNER
PEACE, INC.,
a New York Corporation,

Defendants.

CIVIL ACTION NO.

8100CV211

COMPLAINT

JUDGE BATAILLON

**MAGISTRATE JUDGE
JAUDZENIS**

COMES NOW the Plaintiff, by and through its attorneys, and complaining of the Defendants, alleges:

NATURE OF THE ACTION

1. This is a Declaratory Judgment action for a declaration of invalidity, non-infringement and unenforceability of U.S. Copyright Registration Nos. A693944 and TX-3-377-899.

THE PARTIES

2. Plaintiff, Course in Miracles Society ("CIMS"), is a Nebraska non-profit corporation with its principal office and place of business located in Omaha.

3. Upon information and belief, Defendant, The Foundation for "A Course in Miracles," Inc. ("FACIM"), is a New York Corporation with its principal office and place of business located in Roscoe, New York.

4. Upon information and belief, Defendant, The Foundation for Inner Peace, Inc. ("FIP"), is a New York Corporation with its principal office and place of business located in Tiburon, California.

JURISDICTION AND VENUE

5. This court has subject matter jurisdiction under 28 U.S.C. §§ 2201, 2202, 1331, 1338(a) as a declaratory judgment action arising under the copyright laws. Title 17 of the United States Code. Venue is proper in this district under 28 U.S.C. § 1391.

6. On March 14, 2000, CIMS received a letter from attorneys representing FACIM and FIP demanding removal of a version of a manuscript entitled "A Course in Miracles" ("ACIM") from a website operated by CIMS. The letter stated that the version of ACIM was subject to registered Copyright Registrations and that the copying, offering for sale, and distribution of the manuscript by CIMS was in violation of the copyright law.

7. The March 14, 2000 letter stated that FACIM and FIP would pursue legal remedies if the version of ACIM was not deleted from the website.

8. Based upon the letter of March 14, 2000, CIMS has a reasonable apprehension of suit further bolstered by the charges of infringement and suit against third parties. Thus, this case presents an actual controversy pursuant to 28 U.S.C. § 2201 regarding the validity and enforceability of the copyright registrations-in-suit.

GENERAL ALLEGATIONS

9. Between 1965 and 1972, Helen Schucman and Bill Thetford recorded and transcribed a work entitled "A Course in Miracles". Between 1972 and 1975, ACIM was available to the public in the library of the Association for Research and Enlightenment, and several hundred copies of ACIM were distributed without a copyright notification.

10. Upon information and belief, a Copyright for ACIM was procured in the name of "(anonymous) Helen Schucman" and was given Registration No. A 693944.

11. Upon information and belief, a second, revised edition ACIM was registered with the United States Copyright Office in 1992 under Registration No. TX-3-377-899; the second, revised edition of ACIM contained revisions to Chapters 1-5 of ACIM, but left essentially undisturbed chapters 6-31 of the first unrevised version of ACIM.

12. The first, unrevised version of ACIM is the version of ACIM that is available on the CIMS website.

FIRST COUNT COPYRIGHT INVALIDITY

13. Although Plaintiff, CIMS, has not yet undertaken a full investigation of the questions of validity and enforceability of the United States Copyrights bearing Registration Nos. A 693944 and TX-3-377-899, CIMS alleges, upon information and belief, that one or both Copyrights are invalid for one or more of the following reasons:

a. One or both registrations were obtained by fraud committed on the Copyright Office.

b. Prior to registration, ACIM had entered the public domain under the Copyright Act of 1909.

c. FACIM and FIP are estopped from claiming the authorship of Helen Schucman, as the Defendants have asserted to all parties but the Copyright Office that the author of ACIM was, in fact, Jesus Christ.

**SECOND COUNT
COPYRIGHT UNENFORCEABILITY**

14. Although Plaintiff, CIMS, has not yet undertaken a full investigation of the questions of validity and enforceability of the United States Copyrights bearing Registration Nos. A 693944 and TX-3-377-899, CIMS alleges, upon information and belief, that the Copyrights are unenforceable for one or more of the following reasons.

a. FACIM and FIP may not enforce the Copyrights due to acts constituting unclean hands in the acquisition of the Copyright registrations.

b. FACIM and FIP are guilty of laches in that they have failed for a period of at least 20 years to assert any of the rights that they now claim.

**THIRD COUNT
PERMITTED USE**

15. Although Plaintiff, CIMS, has not yet undertaken a full investigation of the scope of the Copyrights bearing Registration Nos. A 693944 and TX-3-377-899, CIMS alleges that its use of the first, unrevised version of ACIM is a permitted use under existing copyright laws for at least the reason that CIMS's use of the first, unrevised version of ACIM is a fair use in that its uses are not for profit and intended for educational and religious purposes.

WHEREFORE, Plaintiff, CIMS, respectfully prays that this Court enter a judgment that:

A. Unites States Copyright Registration Nos. A 693944 and TX-3-377-899 are invalid and/or unenforceable;

B. CIMS has not infringed, induced others to infringe or contributed to infringement of United States Copyright Registration Nos. A 693944 and TX-3-377-899;

C. FACIM and FIP, their officers, agents, counsel, employees and all persons in concert or participation with either of them, be enjoined from charging infringement of or instituting any action for infringement of United States Copyright Registration Nos. A 693944 and TX-3-377-899 against CIMS;

D. That CIMS be awarded its reasonable attorneys fees, expenses and costs in this action; and

E. CIMS be granted such further necessary or proper relief as justice may require.

PLAINTIFF REQUESTS A TRIAL BY JURY IN OMAHA, NEBRASKA, ON ALL ISSUES SO TRIABLE.

DATED this 3rd day of April, 2000.

COURSE IN MIRACLES SOCIETY, Plaintiff

BY:



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