

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA BIBLE COLLEGE, an Indiana
Nonprofit Corporation,

Plaintiff

v.

FRED BOCK MUSIC COMPANY, INC., a
California Corporation;
DR. ROSEPHANYE POWELL; and
DOE DEFENDANTS 1–100 (fictitious),

Defendants.

FRED BOCK MUSIC COMPANY, INC.,
Counterclaimant

v.

INDIANA BIBLE COLLEGE,

Counterdefendant.

Civil Action No. 1:25-cv-01070-MPB-MJD

Demand for Jury Trial

DEFENDANT FRED BOCK MUSIC COMPANY, INC.’S
ANSWER TO PLAINTIFF’S SECOND AMENDED COMPLAINT AND RENEWED
COUNTERCLAIM

Defendant Fred Bock Music Company, Inc. (“FBMC”), through counsel, for its answer to Counts I and II of Plaintiff Indiana Bible College (“IBC”)’s Second Amended Complaint, states as follows.

THE PARTIES

1. IBC is an Indiana nonprofit corporation with its principal place of business in Indianapolis, Marion County, Indiana.

ANSWER: Upon information and belief, FBMC admits the allegations in this paragraph.

2. Fred Bock is a California corporation with its principal place of business in Los Angeles County, California. Fred Bock owns Gentry Publication (“Gentry”) as a brand of its publishing groups.

ANSWER: FBMC admits that it is a California corporation based in Los Angeles County, California, and that Gentry Publications is a division of FBMC. FBMC denies all other allegations in this paragraph.

3. Dr. Powell is a citizen and resident of Lee County, Alabama.

ANSWER: FBMC is without sufficient knowledge to admit or deny the allegations in this paragraph, and therefore, denies them.

4. Doe Defendants 1–100 are individuals or entities whose identities are unknown but who have published or republished defamatory statements or induced business interference.

ANSWER: FBMC is without sufficient knowledge to admit or deny the allegations in this paragraph, and therefore, denies them.

JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because Plaintiff’s claim for declaratory relief arises under the Copyright Act of 1976 (17 U.S.C. §§ 101 et seq.).

ANSWER: FBMC admits that the Court has subject-matter jurisdiction as to Count I of IBC’s Complaint under 28 U.S.C. § 1332(a). FBMC denies all other allegations of this paragraph.

6. This Court also has exclusive jurisdiction over any claim for relief arising under the Copyright Act pursuant to 28 U.S.C. § 1338(a).

ANSWER: FBMC admits that the Court has jurisdiction as to Count I of IBC's Complaint under 28 U.S.C. § 1332(a). FBMC denies all other allegations of this paragraph.

7. This Court also has jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

ANSWER: FBMC denies that the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, confers jurisdiction.

8. This Court has supplemental jurisdiction over Plaintiff's state-law claims for defamation pursuant to 28 U.S.C. § 1367 because those claims arise out of the same nucleus of operative facts as the copyright claim.

ANSWER: FBMC admits that this court has supplemental jurisdiction over Plaintiff's state-law claims.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in Marion County, Indiana, including the creation and first performance of the works at issue, and the reputational and economic injury caused by Defendants' defamatory statements. Plaintiff maintains its principal place of business in Marion County, where it suffered harm to its reputation, enrollment, and business relationships. Defendants also purposefully directed their conduct at Indiana by publishing and disseminating their statements through media outlets reaching Indiana readers, including the IndyStar, and by maintaining online channels intentionally directed at Indiana audiences and Plaintiff in Indiana.

ANSWER: FBMC denies the allegations in this paragraph.

FACTS COMMON TO ALL CLAIMS

10. Plaintiff is an owner and exclusive licensee of a musical setting of the biblical text John 1:1–4, titled “John 1” (the “Composition”).

ANSWER: FBMC denies the allegations of this paragraph, because “John 1” infringes FBMC’s copyright in “The Word Was God.”

11. The significant musical elements were independently composed in the summer of 2024.

ANSWER: FBMC denies the allegations of this paragraph, because “John 1” infringes FBMC’s copyright in “The Word Was God.”

12. IBC performed “John 1” for the first time in Indianapolis, Indiana.

ANSWER: FBMC is without sufficient knowledge to admit or deny the allegations in this paragraph, and therefore, denies them.

13. Defendants have publicly asserted that “John 1” infringes Dr. Powell’s copyrighted motet “The Word Was God,” which sets the same public-domain text. Defendants have publicly asserted that “John 1” infringes Dr. Powell’s copyrighted motet “The Word Was God,” which sets the same public-domain text. On May 23, 2025, Gentry, Fred Bock, and Dr. Powell served a cease-and-desist letter on IBC claiming that “John 1” is derivative of “The Word Was God.”

ANSWER: FBMC admits that it told IndyStar, on or about May 30, 2025, that “John 1” infringes the copyright of “The Word Was God.” FBMC admits that on May 23, 2025, it sent a letter to Plaintiff that explains why, from a musical perspective, “John 1” derives from “The Word Was God.” FBMC sent the letter in response to IBC’s May 15, 2025, request. FBMC denies that the May 23 letter was sent through counsel, and denies that the May 23 letter was a cease-and-

desist letter. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them. FBMC denies all other allegations of this paragraph.

14. Though Fred Bock owns the rights to “The Word Was God,” Dr. Powell has held herself to have an interest and input on the license and use of “The Word Was God.” Specifically, Dr. Powell was copied on the cease-and-desist letter, reflecting her entitlement to receive notice of the correspondence sent to Plaintiff. *See* Cease-and-Desist Letter sent to Plaintiff attached hereto as Exhibit 1. Additionally, Dr. Powell has the power to authorize or decline derivative uses of “The Word Was God” presented to Fred Bock or Gentry, reflecting her control over the creative work. Defendants have published and amplified false statements across Dr. Powell’s and Fred Bock’s social-media channels, encouraged others to renounce John 1 and IBC, and used Indy Star, an Indianapolis newspaper, to publish an article accusing IBC and its writers of unauthorized derivative, copyright infringement, and intellectual dishonesty, among other things.

ANSWER: FBMC admits that it owns the rights to “The Word Was God.” FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them. FBMC denies all other allegations of this paragraph.

15. In the IndyStar article, published on May 30, 2025, Stephen Bock, the president of Fred Bock Music Company, Inc. is quoted saying “[t]here is no doubt that what Indiana Bible College has done is infringe on the copyright of ‘The Word Was God.’” Mr. Bock is later quoted calling “John 1” a “derivative of a derivative.” *See* May 30, 2025, IndyStar article attached hereto as Exhibit 2.

ANSWER: FBMC admits that the IndyStar article quotes Stephen Bock, and states that the article speaks for itself. FBMC denies the remaining allegations in this paragraph.

16. On May 23, 2025 Dr. Powell published a three-part post consisting of two photos and one video on her Instagram, which has 2,842 followers as of the date of this First Amended Complaint. Significantly, this publication occurred the same day Plaintiff received a cease-and-desist letter from Defendants.

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

17. In her video, Dr. Powell states, among other things, “[John 1] is not an original work by this choir and its arrangers. It is actually a derivative of my work, ‘The Word was God.’ You can rest assured that as an African American female composer of choral music who has worked long and hard to develop an international reputation, I and my publisher, will not rest until this matter is resolved.”

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

18. In the photo, Dr. Powell wrote the following statement regarding IBC “First I want to sincerely thank my friends, associates, colleagues, former students, and family for your concern and support regarding [IBC] Choirs unauthorized and uncredited use of music from my original composition, *The Word Was God*.”

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

19. Dr. Powell later writes:

“However, I was recently notified that Indiana Bible College had once again used material from *The Word Was God*, this time presenting their work as an original composition titled *John 1*. This song is clearly a derivative of my work. They made minor changes to the predominant motive that runs throughout *The Word Was God* (‘in the beginning was the Word and the Word was God and the Word was God.’) and adapted the harmonic and melodic structure of the contrasting B section to accommodate a different text.”

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

20. What is most troubling, however, is Dr. Powell’s next statement, “[w]hat they are doing is wrong on many levels, and there is much more to the story.” Further, Dr. Powell states, “[t]he disregard for my work is unprofessional, disrespectful, and deeply unsettling...”

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

21. As of the date of this First Amended Complaint, 2,671 people have “loved” Dr. Powell’s publication, 374 people have commented, and 1,471 people have shared it in some capacity.

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

22. Of note, Dr. Powell directly tags IBC in her three-part post, providing her viewers the ability to easily access IBC’s social media channel.

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

23. After Dr. Powell posted this three-part post, Fred Bock reposted the video on their Facebook page, “Fred Bock Publishing Group”, stating:

“[w]e stand firmly with Rosephanye Powell and against all forms of injustice. Copyright exists to protect artists and their work from unethical theft. When someone infringes on these rights, they’re not just breaking the law—they’re undermining the integrity and value of creative expression. Please share your support of Dr. Powell by commenting and sharing her words.”

Notably, Fred Bock Publishing Group has 954 followers who presumably saw this post.

ANSWER: FBMC admits that it reposted the video on the Fred Bock Publishing Group Facebook page, and states that the post speaks for itself. It denies the remaining allegations in this paragraph.

24. Those statements are false, were made with actual malice or reckless disregard for the truth, and have caused reputational harm, loss of prospective contracts, and enrollment and related inquiries at IBC, questioning its integrity.

ANSWER: FBMC denies that it has made any false statements with actual malice or reckless disregard for the truth. FBMC is without sufficient knowledge to admit or deny the remaining allegations of this paragraph, and therefore denies them.

25. The false statements have further garnered hostility toward IBC’s writers and composers, such that they are seeking direct messages and contact from third parties and the Defendants’ counsel questioning their intent and involvement in the creation of John 1.

ANSWER: FBMC denies that it has made any false statements. FBMC is without sufficient knowledge to admit or deny the remaining allegations of this paragraph, and therefore denies them.

26. Third parties have viewed, shared, or reposted Defendants’ statements, further damaging Plaintiff’s business and personal reputations.

ANSWER: FBMC is without sufficient knowledge to admit or deny the allegations of this paragraph, and therefore denies them.

27. On May 29, 2025, Defendants retained counsel and delivered a cease-and-desist letter to Plaintiff, alleging copyright infringement and threatening lawsuit unless Plaintiff complied with their demands.

ANSWER: FBMC admits that on May 29, 2025, its counsel sent a letter to Plaintiff alleging copyright infringement and threatening a lawsuit unless Plaintiff complied with FBMC's demands. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them. FBMC denies all other allegations of this paragraph.

28. In a showing of good faith, pending the outcome of this action, Plaintiff has removed "John 1" from all audio streaming, video streaming, and social media platforms.

ANSWER: FBMC denies that IBC removed "John 1" from YouTube "in a showing of good faith." YouTube removed the video pursuant to a takedown request submitted by FBMC for copyright infringement. FBMC is without sufficient knowledge to admit or deny the remaining allegations of this paragraph and therefore denies them.

29. Dr. Powell has held herself to be an agent of Fred Bock with an interest and input on who is able to obtain a license for "The Word Was God." For example, in an email to Tim Hall, sent on February 7, 2024, Dr. Powell stated, in relevant part,

As I am not a difficult composer to contact, my permission should have been obtained before endeavoring to make such an arrangement of this work.

I trust that you now understand why I am protective of *The Word Was God*. Thank you for emailing me and respecting **my decision to refuse permission** for your arrangement (emphasis added).

ANSWER: FBMC denies the allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

30. Due to Defendants' false and malicious statements, Plaintiff has been prohibited from teaching and/or performing "John 1" at various institutions and events, including, but not limited to: The River Church of All Nations, Pentecostal Church of All Nations, Beyond a Billion Celebration, and North American Youth Congress.

ANSWER: FBMC denies that it has made any false or malicious statements. FBMC is without sufficient knowledge to admit or deny the remaining allegations of this paragraph, and therefore denies them.

31. Finally, up to the date of the filing of this First Amended Complaint, Plaintiff continues to receive calls and emails daily regarding "John 1."

ANSWER: FBMC is without sufficient knowledge to admit or deny the allegations of this paragraph, and therefore denies them.

COUNT I – DECLARATORY JUDGMENT

32. Plaintiff repeats and realleges paragraphs 1–31 as if fully set forth herein.

ANSWER: FBMC repeats and re-states its answers to paragraphs 1-32.

33. An actual, substantial, and continuing controversy exists between Plaintiff and Defendants regarding Plaintiff's composition entitled "John 1" (the "Composition").

ANSWER: FBMC admits that an actual and justiciable controversy exists concerning whether "John 1" infringes its copyright in "The Word Was God."

34. On May 23, 2025, Defendants Fred Bockand [sic] Dr. Powell, through their counsel, issued a cease-and-desist letter to Plaintiff asserting that "John 1" infringes upon

Defendants' copyrighted composition, "The Word Was God," and threatening legal action unless Plaintiff complied with their demands.

ANSWER: FBMC admits that on May 23, 2025, it sent a letter to Plaintiff that explains why, from a musical perspective, "John 1" derives from "The Word Was God." FBMC sent the letter in response to IBC's May 15, 2025, request. FBMC denies that the May 23 letter was sent through counsel, and denies that the May 23 letter was a cease-and-desist letter. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them. FBMC denies all other allegations of this paragraph.

35. Defendants have publicly asserted and published statements that "John 1" is an infringing derivative work, including in an IndyStar article on May 30, 2025, on Dr. Powell's Instagram account, and on the Fred Bock Publishing Group Facebook page. These accusations of copyright infringement have been disseminated widely and continue to harm Plaintiff's reputation and business.

ANSWER: FBMC admits that the IndyStar article quotes Stephen Bock, and states that the article speaks for itself, and admits that it reposted a video on the Fred Bock Publishing Group Facebook page, and states that the post speaks for itself. It denies the remaining allegations in this paragraph. FBMC denies the remaining allegations in this paragraph as they apply to FBMC. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

36. Plaintiff contends, and is informed and believes, that "John 1" was independently composed by its writers in Indianapolis, Indiana during the summer of 2024, and that it does not copy or derive from any protectable elements of "The Word Was God."

ANSWER: FBMC denies that “John 1” is original, independently created, or non-infringing as to any protectable elements of “The Word Was God.” FBMC admits, however, that Plaintiff contends otherwise.

37. Plaintiff further contends that the only commonalities between the two works arise from their setting of the same biblical text (John 1:1–4), which is in the public domain and not subject to copyright protection.

ANSWER: FBMC denies that the only commonalities between the two works arise from their setting of the same biblical text. FBMC admits, however, that Plaintiff contends otherwise. FBMC admits that biblical text is in the public domain and not subject to copyright protection.

38. Accordingly, Plaintiff maintains that “John 1” is an original, independently created composition and is non-infringing.

ANSWER: FBMC denies that “John 1” is original, independently created, or non-infringing as to any protectable elements of “The Word Was God.” FBMC admits, however, that Plaintiff contends otherwise.

39. Defendants’ repeated public accusations of infringement, coupled with their cease-and-desist letter and threat of litigation, create a real, immediate, and substantial controversy of sufficient immediacy and reality to warrant declaratory relief pursuant to 28 U.S.C. §§ 2201–2202.

ANSWER: FBMC admits that an actual and justiciable controversy exists concerning whether “John 1” infringes its copyright in “The Word Was God.” FBMC denies the remaining allegations of this paragraph.

40. A declaratory judgment by this Court will resolve the parties' dispute and provide certainty to Plaintiff, its composers, performers, and affiliated institutions as to their legal rights in the performance and distribution of "John 1."

ANSWER: FBMC admits that an actual and justiciable controversy exists concerning whether "John 1" infringes its copyright in "The Word Was God." FBMC is without sufficient knowledge to admit or deny the remaining allegations of this paragraph, and therefore denies them.

COUNT II – DEFAMATION

41. Plaintiff repeats and realleges paragraphs 1–40.

ANSWER: FBMC repeats and re-states its answers to paragraphs 1-40.

42. Defendants published false statements of fact regarding Plaintiff, including but not limited to:

- a. Statements to IndyStar on May 30, 2025, where Defendant Stephen Bock declared, "There is no doubt that what Indiana Bible College has done is infringe on the copyright of 'The Word Was God,'" and further described Plaintiff's composition "John 1" as "a derivative of a derivative";
- b. Statements made by Defendant Dr. Powell on or about May 23, 2025, through her Instagram account, in which she stated that "[John 1] is not an original work by this choir and its arrangers. It is actually a derivative of my work, 'The Word Was God'" and further asserted that Plaintiff's conduct was "wrong on many levels," "unprofessional," and "disrespectful";
- c. The reposting and amplification of these statements on the Fred Bock Publishing Group Facebook page, declaring that Plaintiff's conduct constituted "unethical theft" and urging readers to "stand firmly with Dr. Powell" and share the statements broadly.

ANSWER: FBMC denies that it has made any false statements. FBMC denies that it "published" statements which were actually published by an independent newspaper, IndyStar. FBMC denies that Stephen Bock is a Defendant. FBMC further states that the statements referenced speak for themselves, and constitute nonactionable opinions protected by the First

Amendment. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

43. These statements were published to third parties, including Indiana readers and audiences, through IndyStar, Instagram, Facebook, and other online channels.

ANSWER: FBMC denies that it “published” statements which were actually published by an independent newspaper, IndyStar. FBMC states that posts made online speak for themselves. FBMC denies the remaining allegations in this paragraph. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

44. These statements were false, and Defendants knew they were false or acted with reckless disregard for the truth. Defendants’ statements were made with actual malice, intending to discredit Plaintiff and harm its reputation in the choral music community.

ANSWER: FBMC denies the allegations in this paragraph. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

45. The statements are defamatory per se because they impute professional misconduct, dishonesty, plagiarism, and copyright infringement, striking at the core of Plaintiff’s reputation and integrity as a religious music institution.

ANSWER: FBMC denies the allegations in this paragraph. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

46. As a direct and proximate result of these defamatory statements, Plaintiff has suffered:

- a. Special damages, including lost contracts and opportunities to teach and perform “John 1” at specific institutions and events such as The River Church of All Nations, Pentecostal Church of All Nations, Beyond a Billion Celebration, and the North American Youth Congress; diminished enrollment inquiries; and lost publishing opportunities;

- b. General damages, including loss of goodwill, harm to reputation within the music community, emotional distress among faculty and composers, and erosion of public confidence in Plaintiff's integrity.

ANSWER: FBMC denies that it has made any defamatory statements, and therefore denies the remaining allegations in this paragraph. FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

47. Plaintiff has suffered these damages in Indianapolis, Indiana, where its principal place of business is located, and where the reputational and economic injury from Defendants' publications was most acutely felt.

ANSWER: FBMC denies that Plaintiff has suffered any damages as a result of its "publications." FBMC is without sufficient knowledge to admit or deny the allegations as they apply to Dr. Powell, and therefore denies them.

PRAYER FOR RELIEF

FBMC denies that IBC is entitled to the relief set forth in Paragraphs 1-6 on pages 9-10 of its Second Amended Complaint.

AFFIRMATIVE DEFENSES

First Affirmative Defense: Unclean Hands

IBC has knowingly, willfully, and intentionally infringed FBMC's copyright in "The Word Was God." IBC therefore has unclean hands and is disqualified from invoking the power of the Court or the legal process to pursue its Claims.

Second Affirmative Defense: Lack of Standing

To the extent that IBC is only an "exclusive licensee" of John 1 (Docket No. 49, ¶ 10), it lacks standing under Count I.

Third Affirmative Defense: Venue

IBC filed its case in the wrong venue. FBMC preserves all defenses relating to lack of venue and separately moves to dismiss pursuant to 28 U.S.C. § 1406(a).

FBMC’S RENEWED COUNTERCLAIM

FBMC, pursuant to Fed. R. Civ. P. 13(a), brings this renewed counterclaim for copyright infringement pursuant to the Copyright Act, 17 U.S.C. §§ 101 *et seq.* against IBC, alleging as follows:

INTRODUCTION

1. This action arises out of IBC’s refusal to take “no” for an answer.
2. On three separate occasions, all in writing, IBC asked FBMC for permission to record, perform, and commercially benefit from what it admitted was a “derivative work” of Dr. Powell’s famous choral composition “The Word Was God.”
3. On three separate occasions, all in writing, FBMC declined each request.
4. IBC disregarded FBMC’s answers and performed the derivative work anyway, at least twice in 2024. IBC posted video of its performance of the derivative work to social media.
5. IBC originally called the derivative work “Word Was God”—with obvious justification: the derivative work is an arrangement of “The Word Was God.” Faced, however, with FBMC’s three rejections, IBC had to find a way to distance the arrangement from “The Word Was God.” IBC’s attempt to disguise its infringement took the most superficial path: IBC stripped Dr. Powell’s name from the score and renamed it “John 1.” A name change, however, does not magically make a derivative work non-infringing. Moreover, despite IBC’s assertion that “John 1” is “an entirely new musical setting,” whatever differences may exist between “Word Was God” and “John 1” have no legal (or musical) consequence; they are window dressing designed to distract attention from the undeniable and extensive similarity between the two.

6. Armed with the new name, IBC performed “John 1” at least eleven times in 2025.

7. IBC has made an informed, intentional, and calculated decision to infringe the copyright in “The Word Was God,” presumably on the assumption that the monies and/or publicity it will realize from its performance and recordings are too valuable to pass up.

8. IBC has sued FBMC and Dr. Powell, along with 100 Doe Defendants, seeking a declaration that “John 1” does not infringe the copyright in “The Word Was God.” (Docket No. 49). IBC has also alleged defamation. *Id.*

9. On these facts, IBC has left FBMC no choice but to bring this action to protect its copyright in “The Word Was God.”

JURISDICTION AND PARTIES

10. FBMC is a California corporation based in Los Angeles County.

11. IBC is an Indiana nonprofit corporation based in Indianapolis, Indiana.

12. This counterclaim arises under the Copyright Act, 17 U.S.C. § 101 *et. seq.*, and therefore, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338. The Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), because the parties are citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

13. FBMC brings this action as a compulsory counterclaim pursuant to Fed. R. Civ. P. 13(a), and without waiving any challenges it may have to IBC’s Complaint.

FACTS

Dr. Powell and “The Word Was God”

14. Dr. Powell is widely regarded as one of the foremost composers of choral music. Since 2001, she has served as a professor of voice at Auburn University, where she also serves as

Coordinator of Voice Studies and conductor of the Women's Chorus, and co-conductor of the Concert and Gospel choirs.

15. The quality, scope, and volume of Dr. Powell's body of work has earned her numerous accolades, including: the ACDA 2025 Raymond Brock Commission, Honorary Life Membership in the National Collegiate Choral Organization, the National Vanguard Award from the National Association of Negro Musicians, Inc., the Luise Vosgerchian Teaching Award, presented by the Harvard University Office for the Arts in 2022, the Living Legend Award presented by California State University African Diaspora Sacred Music Festival in Los Angeles, and the Marquis Who's Who Lifetime Achievement Award.

16. Dr. Powell is dedicated to the excellence and advancement of the choral arts. She is an active member of the American Society of Composers, Authors, and Publishers (commonly known as "ASCAP"), the American Choral Directors Association, Chorus America, the National Association of Teachers of Singing, the National Association of Music Educators, the National Association of Negro Musicians, and the National Collegiate Choral Organization.

17. Dr. Powell's primary performance and research areas are the African American spiritual, the art songs of William Grant Still, and voice-care concerns for choral singers and directors.

18. Starting in 1993, Dr. Powell served as a co-conductor (with her husband) of the collegiate choir at Philander Smith College, a Historically Black College in Little Rock, Arkansas. In 1994, Dr. Powell decided to make an album and apply the sales proceeds towards scholarships at the College.

19. At the time, the College could not afford the licensing fees required to make an album of others' works. Dr. Powell therefore decided to compose songs for the album.

20. The first song she composed for the album was “The Word Was God.” It was, in fact, one of her first compositions and launched her career as one of the foremost composers of choral music.

21. Dr. Powell’s “The Word Was God” is an original work of musical authorship, combined with public domain text from the Bible (namely, from John 1:1-3). “The Word Was God” is a carefully crafted, complex composition, with intention and artistry behind each musical choice. As Dr. Powell has explained:

The Word Was God is meant to provoke the thoughtful listener or worshipper to consider with awe how God amazingly created the heavens and the earth with words alone (Genesis 1); and to be amazed that God, through Christ created the world (John 1:1-3). It is to compel the listener to reflect upon the emptiness of the earth prior to God speaking forth creation. This is depicted in the unison singing of a simple yet syncopated opening statement of “In the beginning was the Word...” which builds as each voice enters independently and overlaps the other voices, depicting the increased activity in the earth as God speaks. The lyrical B section contrasts the strongly syncopated A and C sections of this through-composed work. It focuses on Christ being the living WORD—the SON, who is much more than a prophet, rather the God-Man by whom salvation, grace and mercy came. In the final section (C), when the basses and baritones enter, they represent the engine of God’s voice as He begins to create. The entrance of the 2nd tenors is day one of creation, the 1st tenors are day two, the 2nd altos are day three, the 1st altos are day four, 2nd sopranos are day five, and the 1st sopranos are day six. At the seventh entrance of the voices, the song ends because God rested on the seventh day. With each entrance the song becomes louder, more intense, and with the audience hearing more musical activity, experiencing how full the earth was becoming with the creation of every new thing created. This contemplative focus on John 1:1-3 cannot be perceived or appreciated in a lively, up-tempo gospel performance with a band section and a solo singer adlibbing. It is most effective in a cathedral or hall with excellent acoustics for singers.

See email correspondence attached as Exhibit 1.

22. “The Word of God” has stood the test of time: choirs around the world under the direction of pre-eminent conductors and supported by celebrated ensembles have for decades

performed and recorded “The Word of God” at iconic performing arts venues, including Carnegie Hall, Lincoln Center, and Spivey Hall. They continue doing so.

23. In the fall of 1995, Dr. Powell assigned all of her rights in “The Word Was God,” including the copyrights, to FBMC (through its division Gentry Publications). *See* Agreement attached as Exhibit 2.

24. On May 1, 1996, the U.S. Copyright Office registered “The Word Was God,” consisting of music with the public domain text from the Bible referred to earlier. *See* Registration No. PA0000794814 attached as Exhibit 3.

FBMC

25. FBMC is a global music publisher based in Los Angeles County, California.

26. Founded originally as Gentry Publications in 1968, what came to be FBMC originally focused on sacred choral music, but has since expanded its catalog to include secular choral and instrumental works, as well as piano and organ compositions.

27. FBMC’s revenues come from, among other sources, licensing others to perform and record musical works owned by FBMC. Third parties who wish to license works from FBMC can fill out an online form available at the home page of Fred Bock Publishing Group, which is a division of FBMC. *See* FRED BOCK PUBLISHING GROUP, <https://www.fredbockpublishinggroup.com/licensing/> (last visited September 25, 2025).

28. FBMC owns the copyright for “The Word Was God,” through Gentry Publications, a division of FBMC.

IBC

29. On information and belief, IBC is a nonprofit corporation in Indianapolis, sponsored by Calvary Tabernacle. *See* INDIANA BIBLE COLLEGE, <https://www.indianabible.college/about> (last visited September 25, 2025).

30. On information and belief, in furtherance of “Training tomorrow’s Apostolic ministers, today,” IBC offers four programs to its students: Christian Leadership, Biblical Studies, Worship Studies, and Missiology. *See* INDIANA BIBLE COLLEGE, <https://www.indianabible.college> (last visited September 25, 2025).

31. On information and belief, IBC’s Worship Studies program “Equip[s] those who feel a call to worship ministry with a concentration in musicianship and technology grounded in a strong biblical foundation.” *See* INDIANA BIBLE COLLEGE, Worship Studies, <https://www.indianabible.college/worship-studies> (last visited September 25, 2025).

32. On information and belief, IBC students can participate in various musical groups. The groups perform before the school body, at the Calvary Tabernacle Church in Indianapolis, around the country on various tours, and elsewhere.

33. On information and belief, the IBC musical groups generate revenue for IBC by, for example, selling IBC-branded clothing and CDs of the groups’ performances, ticket sales to events that include the IBC musical groups, and offerings from churches where the groups perform.

34. On information and belief, IBC maintains an online music store where visitors can buy digital albums, charts, multitracks, split tracks, and CDs/USBs. *See* INDIANA BIBLE COLLEGE STORE, <https://store.indianabible.college/> (last visited September 25, 2025).

35. On information and belief, IBC also makes its music available to the public on streaming services, including but not limited to Spotify, Apple Music, and YouTube.

The Present Dispute

2024: IBC Requests FBMC's Permission to Perform a "Derivative Work" of "The Word Was God"

36. On information and belief, IBC, at some time on or before January 18, 2024, decided to create a musical collection for its students and wider community to use in worship, reflection, and inspiration, in alignment with IBC's core values of equipping young ministers to serve the church. *See* email correspondence attached as Exhibit 4.

37. On further information and belief, IBC, at some time on or before January 18, 2024, decided to incorporate a new, Gospel-style arrangement of "The Word Was God" into the musical collection. *Id.*

38. On further information and belief, IBC, at some time on or before January 18, 2024, believed that it needed FBMC's permission to record the "derivative work" and/or include the recording in the musical collection.

39. IBC asked FBMC for permission on January 18, 2024, writing (in relevant part):

We have arranged a derivative work of "The Word Was God" by Rosephanye Powell which we believe would resonate deeply with our audience and accomplish the album's purpose of glorifying God and building up the church.

We are eager to ensure that all legal requirements are met and that the appropriate permissions are obtained for the use of this track. To facilitate this process, we kindly request information on the licensing procedure, associated fees, and any specific documentation or forms required by your publishing company. ***I have attached to this email a copy of the arrangement we hope to record.***

We are open to discussing various licensing options, including coverage for both physical and digital distribution. We hope to sell CDs, chord charts/sheet music, and multitracks. If you could provide a comprehensive overview of the terms and conditions for licensing your material, as well as any relevant contact information for further discussion, it would be greatly appreciated.

We understand the importance of respecting copyright and intellectual property rights, and IBC is committed to adhering to all necessary legal procedures. Your cooperation in this matter is crucial to the success of our project, and we are more than willing to work closely with you to ensure a smooth and efficient licensing process.

Ex. 4, emphasis added.

40. Despite IBC's apparent belief that it needed FBMC's permission to record the "derivative work" and/or include the recording in the musical collection, IBC asked for that permission *after* it had already arranged and recorded the "derivative work" to include in its musical collection. IBC's January 18 email attached a written score and recorded audio file of "the arrangement we hope to record." See audio file attached as Exhibit 5¹ and score attached as Exhibit 6. The score begins with the title prominently displayed at the top: "Word Was God" (hereinafter, the "Derivative Work"). Immediately below and to the right of the title, the score identifies Dr. Powell as the composer (that is, its author) and four individuals associated with IBC as arrangers of the Derivative Work:

¹ Exhibit 5 is an audio file which cannot be electronically filed. FBMC includes a Notice of Manual Filing under its filed Exhibit 5 as a placeholder and will manually file pursuant to Local Rule 5-2(e).

Word Was God

Written by: Rosephanye Powell
Arranged by: Tim Hall, Aaron Curtis,
Devin Cunningam, Hannah Leisure

♩ = 135

Soprano *ff*
In the be-gin-ning was the Word and the Word was with God and the Word was God!

Alto *ff*
In the be-gin-ning was the Word and the Word was with God and the Word was God!

Tenor

Ex. 6.

41. On information and belief, Tim Hall was, as of January 18, 2024, IBC’s Associate Dean of Worship Studies in partnership with IBC’s former Dean of Worship Studies, Dr. Lindel Anderson. On further information and belief, Mr. Hall is IBC’s current Dean of Worship Studies.

42. On information and belief, Aaron Curtis was, as of January 18, 2024, a pianist affiliated with the United Pentecostal Church International, who worked in conjunction with IBC on the Derivative Work.

43. On information and belief, Devin Cunningham was, as of January 18, 2024, a self-employed traveling singer and recording artist, who worked in conjunction with IBC on the Derivative Work.

44. On information and belief, Hannah Leisure was, as of January 18, 2024, a student at IBC.

45. On January 19, 2024, FBMC requested information from IBC to “better understand how we can help you.” For example, FBMC asked for information on the price(s) IBC planned to

charge, the number of units IBC expected to distribute, whether a band or an orchestra would accompany the choir, and whether the recording would be live or in studio. Ex. 4.

46. IBC provided answers on January 22, 2024, and closed its response with, “Please let me know if more information is needed.” *Id.*

47. IBC did not, however, wait to see if FBMC needed more information. On information and belief, IBC performed its arrangement of the Derivate Work on January 25 and 26, 2024, at an event called “IBC Live,” before FBMC responded to IBC’s January 22 communication. *See* TIKTOK, natalie_ruth, IBC live, https://www.tiktok.com/@natalie_ruth/video/7328419005268610346, (last visited September 25, 2025); *see also* IBC Instagram post attached as Exhibit 7.

48. IBC recorded its performance of the Derivative Work, and upon information and belief, posted that video online.

49. On February 1, 2024, without mention of the performances at IBC Live 2024, IBC asked FBMC if IBC could provide any additional information that would help FBMC evaluate IBC’s request for a license:

Just wanted to touch base again about licensing for use of “The Word Was God” on our upcoming recording project. I was wondering if you had any questions or needed any additional information before moving forward.

Ex. 4.

50. On February 5, 2024, FBMC advised IBC in writing that FBMC would not grant the requested license, explaining:

Dr. Powell has expressed her concerns and disapproval of this arrangement of “Word Was God” to move forward. After discussing with Stephen Bock^[2] and Dr. Powell, we are going to have to decline your licensing request.

Ex. 4.

51. FBMC also asked, on February 5, 2024, that IBC confirm that it had taken down videos of the Derivative Work from IBC’s website and social media platforms, in accordance with an earlier discussion between FBMC and IBC:

It was also brought to our attention that recordings and clips of the performance to this arrangement had been posted on your website and social media platforms, but have since been taken down after my boss had talked with the team at IBC. It is Dr. Powell’s request and desire that all things related to this arrangement of her music be immediately removed from any platforms or services that it may still be on. We ask that you please assure and confirm that this will be done.

Ex. 4.

52. Undeterred by FBMC’s clear “no,” Mr. Hall (IBC’s Associate Dean of Worship Studies) went around FBMC and emailed Dr. Powell directly, later that same day. After apologizing for having posted the videos of the IBC Live event and conceding that IBC should not have done so without permission, he asked that Dr. Powell “reconsider” IBC’s license request and promised to “respect whatever decision you make.” The entire text of his communication, set forth below, illustrates beyond any doubt that IBC understood that IBC’s use of the Derivative Work could not proceed without permission:

I would like to begin by offering our sincere apologies for the reel that was placed on social media of an arrangement of your work of Word was God. We never intended to upset you in any way or be malicious or unethical. ***Nothing was ever meant to be released until we received your permission.*** We were in contact with your publisher, Fred Bock Publishing, and had not heard back after submitting all of the requested information. We then found out later the representative we were in

² Mr. Bock was then, and remains today, President of FBMC.

contact with contracted covid and was unable to respond to our calls. Our marketing department was unaware of the circumstances and I take full responsibility for that.

I am an admirer of your compositions and have performed them over the years while teaching at the High School and Collegiate level. This includes Word was God, which is my personal favorite. The first time I taught it was at Arlington High School where I established the first gospel choir, Inspirational Singers. Last year I was on the vocal faculty at Tarrant County College in Hurst, TX and we also performed it there. The Lord moved our family to Indianapolis, IN where I was invited to serve as Associate Dean of Worship Studies at Indiana Bible College. Every year, the college releases a live recording. They record primarily gospel and praise worship. I had been arranging a few pieces when I started thinking about your Word was God because it would fit so perfectly. The gospel arrangement came so fast and that's when we reached out to your publisher.

It is my hope that you will reconsider allowing us to create and record this arrangement. I feel like it would expose another audience to you and your music. ***I understand it is your call and I respect whatever decision you make.*** If you have the time tomorrow and can call, I would love the opportunity to talk to you over the phone. Thank you for your time.

Ex. 1.

53. Dr. Powell responded on February 7, 2024, again denying IBC's request and explaining why. As she wrote (in relevant part) to IBC, with a copy to FBMC:

Through my efforts and those of many others who have performed The Word Was God, this song has been added to the respected canon of established choral repertoire. As the first African American woman to receive international acclaim as a respected composer of American choral concert music; and since The Word Was God is celebrated and regarded as a distinguished work of musical art for churches and classical concert halls throughout the world, I cannot grant permission for you and your group to perform a gospelized arrangement that further perpetuates the stereotype against which I and so many classically trained Black composers have fought and still fight. Your arrangement, despite your good intentions, compromises the integrity and intent of this work.

... As I am not a difficult composer to contact, my permission should have been obtained before endeavoring to make such an arrangement of this work.

I trust that you now understand why I am protective of *The Word Was God*. Thank you for emailing me and respecting my decision to refuse permission for your arrangement. I wish you and your ensemble much success in your project!

Ex. 1.

54. On April 9, 2024, Mr. Hall again contacted Dr. Powell directly, again excluding FBMC. After professing his respect for her decision against IBC's recording or publication of the Derivative Work, he asked for permission to perform the Derivative Work (without having the performance streamed or recorded) and again promised to respect whatever decision Dr. Powell made:

This week we are hosting Music Fest where ministers of music from all over the nation and even some from other countries will attend. IBC Chorale will be singing Friday night at the concert. I respect your decision not to record and publish our arrangement of Word was God. Would you be against them singing it Friday night if we do not stream or record it? I honor and respect you and whatever decision you make. I just wanted to give the students, especially those that are graduating, an opportunity to sing it one last time. Thank you for your consideration.

See Email correspondence attached as Exhibit 8.

55. On April 10, 2024, after Dr. Powell notified Mr. Bock (FBMC's President) of Mr. Hall's request, Mr. Bock again denied IBC's request—for the third time and without any ambiguity:

I am responding to your email to Dr. Powell. As the owner of the copyright, any permission along these lines would need to come from our offices rather than the composer.

Regretfully, we need to request that you not perform The Word Was God at your Music Fest event this week. The arrangement that IBC has created is officially unauthorized and should not be presented publicly. Additionally, I worry that presenting it in front of music ministers from all over the world will both give the arrangement a status of being authorized as well as provide encouragement to others to want to perform it. I'm sure you understand that neither of these should happen. Therefore, ***we must kindly request that IBC not perform this arrangement.*** I would furthermore request that all physical and digital copies of

the arrangement be removed from school premises, facilities and equipment (including any digital devices owned by students) to forestall anyone in the future finding it and deciding to program it.

I thank you in advance for your desire to do the right thing by Dr. Powell and Gentry Publications and refrain from using this arrangement at any point.

Ex. 8.

2025: IBC Releases “John 1,” Disclaims Derivative Use of “The Word Was God,” and Sues

56. On January 30 and 31, 2025, IBC held a music event entitled “IBC Live 25.” On information and belief, IBC performed a song titled “John 1” on both nights. *See* IBC Instagram post attached as Exhibit 9; *see also* YOUTUBE, Rick and Elizabeth Wright, *John 1 – IBC LIVE 2025*, <https://www.youtube.com/watch?v=s7DQ9LpN5ak>, (last visited September 25, 2025).

57. On March 9, 2025, IBC performed “John 1” at the Sanctuary Church in Columbus, Indiana. *See* YOUTUBE, The Sanctuary Church, *Indiana Bible College Sunday*, <https://www.youtube.com/live/oBl8eXRgY2I?si=eVguHgLyb8ja3wOs&t=1036>, (last visited September 25, 2025).

58. On April 26, 2025, IBC uploaded to its YouTube page a video of its performance of “John 1” from IBC Live 25.

59. Soon after the video of IBC’s performance of “John 1” at IBC Live 25 was posted, Dr. Powell and FBMC became aware of the video through colleagues and friends, who recognized “John 1” as an arrangement of “The Word Was God.”

60. On May 1, 2025, FBMC again objected. This time, FBMC explained its position through its Copyright Coordinator Kevin Rodriguez. He stepped in to calm the waters, because “Understandably, Dr. Powell is unhappy by this situation; my boss [*i.e.*, Mr. Bock] is furious.” Mr. Rodriguez continued:

Our records indicate that no permission has been granted for this arrangement, performance, or recording. While the title has been changed to “John 1,” it is evident this work is an adaptation of Dr. Powell’s original composition. Feedback from listeners on platforms such as TikTok, YouTube, and Instagram also indicates a clear recognition of the derivation from “The Word Was God.”

Nevertheless, FBMC offered terms that would resolve the issues resulting from IBC’s unauthorized use of “The Word Was God.” *See* email correspondence attached as Exhibit 10.

61. On May 2, 2025, IBC released an album entitled “Joy” on “all streaming platforms.” *See* IBC Facebook post attached as Exhibit 11. The album included “John 1.” On information and belief, “Joy” was IBC’s first album release since the summer of 2024.

62. IBC sold “CDs, chord charts/sheet music, and multitracks” of Joy, including for “John 1.” This time, however, IBC removed all reference to Dr. Powell:

Vocals / Lead Sheet

John 1

Indiana Bible College - "Joy"

Aaron Curtis, Devin Cunningham,
Timothy Hall, Hannah Leisure,
Savannah Pedigo

CHORUS 1 Sopranos

♩ = 135

In the be- gin-ning was the Word and the Word___ was with God, the Word was God.

CHORUS 1 Add Altos

5

In the be- gin-ning was the Word and the Word___ was with God, the Word was God.

CHORUS 1 Add Tenors

9

In the be- gin-ning was the Word and the Word___ was with God, the Word was God.

See “John 1” score attached as Exhibit 12.

63. IBC performed “John 1” on May 9, 2025, at its 2025 Commencement Ceremony at Calvary Tabernacle. See IBC Facebook post attached as Exhibit 13; see also YOUTUBE, Apostolic Music Channel, *John 1 | Indiana Bible College (Live)*, https://www.youtube.com/watch?v=_SyBkLFT7M8&list=RD_SyBkLFT7M8&start_radio=1, (last visited September 25, 2025).

64. On May 11, 2025, on information and belief, IBC performed “John 1” as part of its “Joy Chorale Tour” at First Apostolic in Talmadge, Ohio in the morning, and again at North Pleasants Apostolic Tabernacle in St. Mary’s, West Virginia in the evening. *See* IBC Instagram post attached as Exhibit 14; *see also* YOUTUBE, NPAT, *Sunday Evening May 11, 2025 – IBC Chorale*, <https://www.youtube.com/live/pu2jWvF9n3o?si=13Gk4-acP92IX03M&t=1035>, (last visited September 25, 2025).

65. On May 12, 2025, with no response from IBC to FBMC’s May 1, 2025, email, FBMC followed up with IBC, in hopes that the parties could “address this issue amicably before it escalates further.” Ex. 10.

66. While waiting for IBC to respond, FBMC submitted a takedown request to YouTube on May 13, 2025, seeking removal of the video of IBC’s performance of “John 1” at IBC Live 25 on the grounds that the video infringed FBMC’s copyright in “The Word Was God.” *See* YouTube email correspondence attached as Exhibit 15.

67. On May 14, 2025, on information and belief, IBC performed “John 1” as part of its “Joy Chorale Tour” at First Apostolic Church in Maryville, Tennessee. Ex. 14.

68. A TikTok user recorded and posted a video of the performance, commenting “When the most controversial song on Tik Tok is being sung in your church by IBC themself ... 🙏” under the caption “Sorry, not sorry 🙏”. *See* TIKTOK, momlifewith_eric, *Sorry, not sorry*, https://www.tiktok.com/@momlifewith_eric/video/7504554597814390047, (last visited September 25, 2025).

69. On May 15, 2025, IBC performed “John 1” as part of its “Joy Chorale Tour” at Abundant Life in Matthews, North Carolina. Ex. 14; *See also* YOUTUBE, ALCNC.CHURCH, IBC @ ALC LIVE!,

<https://www.youtube.com/live/H3NXN1WCjBE?si=9dpw5HZuPVxN7E3N&t=4271>, (last visited September 25, 2025).

70. IBC finally responded on May 15, 2025, after yet another follow-up from FBMC. IBC attempted to excuse its delay by reference to an attached “email we sent you on May 5th to ensure delivery.” Ex. 10. No attachments accompanied the message.

71. Clearly recognizing the legal problem created by its repeated indifference to FBMC’s express and repeated rejections for a license for the Derivative Work, IBC’s May 15th response spun a new narrative: some time after FBMC had declined IBC’s “formal request to create a derivative arrangement of ‘Word was God,’” IBC supposedly “returned to the drawing board and composed an entirely new musical setting” that “avoid[s] any melodic, harmonic, and structural elements that would resemble those found in ‘Word was God.’” Ex. 10. From that contrived premise, IBC took the position that “John 1” is neither an adaption nor derivative of “The Word Was God.”

72. On May 16, 2025, on information and belief, IBC performed “John 1” as part of its “Joy Chorale Tour” at First Pentecostal in Jacksonville, North Carolina. Ex. 14.

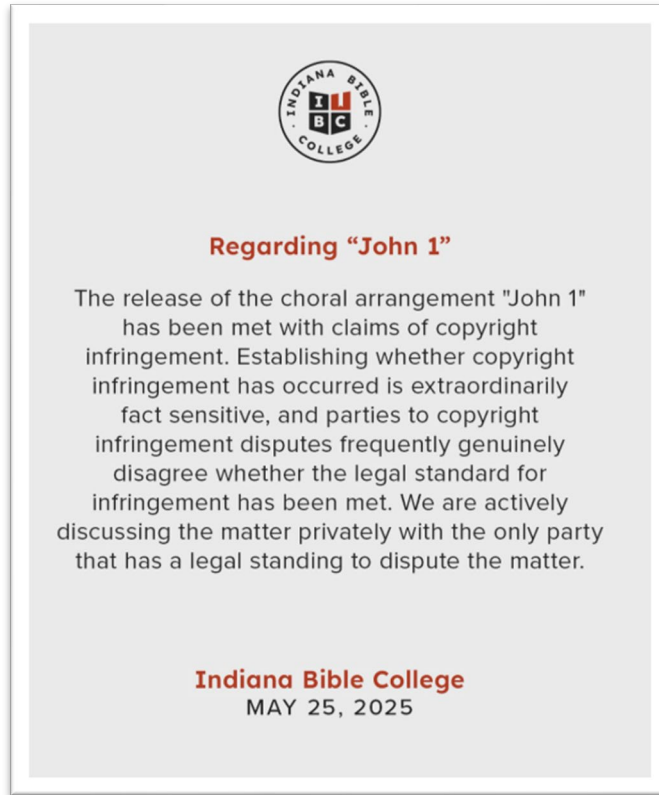
73. On May 18, 2025, IBC performed “John 1” as part of its “Joy Chorale Tour” at Bethel UPC in Old Westbury, New York in the morning, and again Oneness Rehoboth Apostolic Church in Mt. Vernon, New York in the evening. *See* INSTAGRAM, [bethelupc.ny](https://www.instagram.com/p/DJ4tQO3taM2/), <https://www.instagram.com/p/DJ4tQO3taM2/>, (last visited September 25, 2025); *see also* YOUTUBE, Oneness Rehoboth Apostolic Church, *Sunday Night Service | IBC Chorale Tour | May 18, 2025 | 6:30PM*, <https://www.youtube.com/live/mxuapn2vJ-M?si=5VEfJmAk9mRygOZu&t=4926>, (last visited September 25, 2025).

74. On May 21, 2025, YouTube granted FBMC’s takedown request and removed the video of IBC’s performance of “John 1” at IBC Live 25. *See* YouTube correspondence attached as Exhibit 16. Nevertheless, IBC’s “John 1” performance is still widely available and can be found on YouTube, Facebook, Instagram, and TikTok. *See, for example*, YOUTUBE, Rick and Elizabeth Wright, *John 1 – IBC LIVE 2025*, <https://www.youtube.com/watch?v=s7DQ9LpN5ak>, (last visited September 25, 2025).

75. On May 23, 2025, at IBC’s express request, Mr. Rodriguez sent to IBC a written analysis showing how and why “John 1” infringes FBMC’s copyright in “The Word Was God.” *See* email correspondence attached as Exhibit 17.

76. IBC responded, on May 25, 2025, that while it was reviewing FBMC’s analysis, it was “in the process of removing ‘John 1’ products from our online store as a measure of good faith.” Ex. 17.

77. The same day, IBC posted the following announcement on its social media channels:



See IBC Facebook post attached as Exhibit 18.

78. On May 29, 2025, FBMC sent a cease-and-desist letter to IBC via counsel.
79. On June 2, 2025, IBC filed the Complaint that initiated this lawsuit. (Docket No. 1).

COUNT I: COPYRIGHT INFRINGEMENT


80. FBMC re-alleges paragraphs 1 through 79 as though fully set forth herein.
81. “The Word Was God” is an original, creative work, and is copyrightable subject matter under the Copyright Laws of the United States.
82. FBMC solely owns the copyright in “The Word Was God.”
83. The U.S. Copyright Office has registered “The Word Was God,” as shown in Certificate of Registration PA00007694814. Ex. 3.

84. IBC has infringed, and continues to infringe, FBMC's copyright by, *inter alia*, reproducing, distributing, and publicly performing the Derivative Work and "John 1" without FBMC's authorization or permission.

85. IBC's infringement of FBMC's copyright has been deliberate and willful.

86. On information and belief, and as a direct and proximate result of its wrongful conduct, IBC has unlawfully obtained financial and other benefits to which it is not entitled.

87. As a direct and proximate result of IBC's wrongful conduct, FBMC has been substantially and irreparably harmed, financially and otherwise.

88. In addition, IBC has spread the Derivative Work and "John 1" widely, and by doing so, has materially contributed to further infringing uses of "The Word Was God." The proliferation of IBC's performance of the Derivative Work and "John 1" has encouraged other, unaffiliated individuals and entities from around the world to perform, record, and share further infringing content, including "covers", "tutorials", and performances of "John 1." *See, for example*, YOUTUBE, Real Frequencies, *John 1 || Voice Cover || IBC LIVE 2025*, https://www.youtube.com/watch?v=X4tlCneYCuA&list=RDX4tlCneYCuA&start_radio=1, (last visited September 25, 2025); YOUTUBE, keyswithtang, *John 1 | Piano Tutorial*  | *Indiana Bible College (+WITH CHORDS)*, <https://www.youtube.com/watch?v=ydJsduMKGUM>, (last visited September 25, 2025); YOUTUBE, Iglesia Fuente de Verdad, *Juan 1 (John 1) – Spanish – FTC Choir – Iglesia Fuente de Verdad*, https://youtu.be/8szlUr97FO8?si=M_RjhaBRyISCrNAj, (last visited September 25, 2025).

89. There is no way to un-ring the bell. FBMC continues to feel the effects of IBC's deliberate and willful conduct.

90. FBMC is entitled to, among other things, an order enjoining IBC, its agents and employees, and all persons acting on its or their behalf, from engaging in any further infringement of FBMC's copyright in "The Word Was God."

91. FBMC is further entitled to recover from IBC monetary relief, including but not limited to the damages and costs it has sustained and will sustain, and any financial gains, profits, and advantages IBC has realized from its infringement.

JURY DEMAND

92. FBMC demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, FBMC respectfully requests judgment against IBC as follows:

- A. Finding that IBC has infringed FBMC's copyright;
- B. Finding that IBC will continue to infringe FBMC's copyright unless enjoined from doing so;
- C. Finding that IBC has unjustly enriched itself at FBMC's expense;
- D. Issuing a preliminary and permanent injunction enjoining IBC and its officers, managers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and all other persons, firms, and entities acting in concert with or participation with IBC, from directly or indirectly infringing FBMC's copyright, including, but not limited to, any existing or further performances, recordings, streams, sales, or IBC-issued licenses of the Derivative Work, John 1, or any other "derivative work," as defined in 17 U.S.C. § 101, of "The Word Was God."
- E. Ordering IBC to return all materials that constitute, reflect, or are related to the Derivative Work or "John 1";

- F. Ordering IBC to provide a full and complete accounting of IBC's profits and other advantages realized from its acts of infringement;
- G. Entering judgment against IBC for monetary relief that will compensate FBMC for the harms described above, which may include lost profits, unjust enrichment and disgorgement of profits, and expenses incurred by FBMC in obtaining the judgment;
- H. Awarding FBMC's actual damages and IBC's profits under 17 U.S.C. § 504(b) for IBC's infringement of FBMC's copyright;
- I. Awarding statutory damages pursuant to 17 U.S.C. § 505(c);
- J. Awarding FBMC its reasonable attorneys' fees and the costs of this action; and
- K. Granting such other and further relief as the Court deems just and proper.

Dated: September 25, 2025

Respectfully submitted,

BARNES & THORNBURG LLP

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Attorneys for Counterclaimant Fred Bock Music Company, Inc., a California Corporation and Dr. Rosephanye Powell

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 25, 2025, a copy of the foregoing was served via the CM/ECF system to all counsel of record.

/s/ Caitlin R. Byczko
Caitlin R. Byczko