

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

INDIANA BIBLE COLLEGE, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> FRED BOCK MUSIC COMPANY, INC., et al., <p style="text-align: center;">Defendants.</p>	Civil Action No.: 1:25-cv-01070-MPB-MJD  Demand for Jury Trial
<hr/> FRED BOCK MUSIC COMPANY, INC., <p style="text-align: center;">Counterclaimant,</p> <p style="text-align: center;">v.</p> INDIANA BIBLE COLLEGE, <p style="text-align: center;">Counterdefendant.</p>	

**PLAINTIFF/COUNTERDEFENDANT’S AMENDED ANSWER TO  
COUNTERCLAIMANT FRED BOCK MUSIC COMPANY, INC.’S RENEWED  
COUNTERCLAIM**

Comes now Counter-defendant Indiana Bible College (“IBC” or “Counter-defendant”), by counsel, and for its Amended Answer to Defendant Fred Bock Music Company, Inc.’s (“Fred Bock”) Renewed Counterclaim, states:

**INTRODUCTION**

1. This action arises out of IBC’s refusal to take “no” for an answer.

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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.”

**ANSWER:** IBC states that the referenced communications are documents which speak for themselves. To the extent this paragraph characterizes those communications, IBC denies the allegations.

3. On three separate occasions, all in writing, FBMC declined each request.

**ANSWER:** IBC states that the alleged referenced communications are documents that speak for themselves. To the extent this paragraph characterizes those communications, IBC denies the allegations.

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.

**ANSWER:** IBC admits it performed and recorded an arrangement and posted a video on its social media channels. IBC denies that such conduct constituted copyright infringement or any unlawful act. IBC further states that, upon FBMC's request, it removed the video and ceased distribution.

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.

**ANSWER:** IBC admits it called the first arrangement, “Word Was God.” IBC denies the rest of the material allegations contained in this paragraph.

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

**ANSWER:** IBC admits it performed “John 1” in 2025, but denies the remaining allegations.

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.

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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.” [Dkt. 1.] IBC has also alleged defamation. *Id.*

**ANSWER:** IBC states this paragraph summarizes procedural history and contains no allegations requiring a response. To the extent that it is interpreted to contain allegations, it asserts that the referenced history is in documents that speak for themselves. To the extent this paragraph characterizes that history, IBC denies the allegations.

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

**ANSWER:** IBC admits only that FBMC has filed counterclaims in this matter. IBC otherwise denies the allegations in Paragraph 9, including that FBMC was “left with no choice” or that its counterclaims were necessary to protect any copyright.

**JURISDICTION AND PARTIES**

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

**ANSWER:** IBC admits that FBMC is a California corporation and, on information and belief, has its principal place of business in Los Angeles County.

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

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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.

**ANSWER:** IBC states this paragraph asserts legal conclusions to which no response is required. To the extent a response is required, IBC admits only that FBMC purports to assert copyright counterclaims under 17 U.S.C. § 101 et seq. and 28 U.S.C. § 1332(a).

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.

**ANSWER:** IBC objects that Paragraph 13 states legal conclusions and contains an improper "reservation of rights," which requires no response. Subject to and without waving these objections, IBC admits only that FBMC purports to bring its counterclaims under Fed. R. Civ. P. 13(a). IBC denies that FBMC's counterclaims are compulsory under Rule 13(a) and denies any remaining allegations or implications in Paragraph 13.

**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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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 with 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.

**ANSWER:** IBC admits that John 1:1–3 is public domain and that Dr. Powell’s work sets that text. IBC otherwise denies Paragraph 21, including that the cited musical choices confer protectable expression beyond commonplace or unprotectable elements, and denies that IBC copied any protectable expression. IBC refers to Exhibit 1 for its contents and denies any inconsistent characterization.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC admits only that Dr. Powell purports to have entered a September 8, 1995 agreement with “Gentry Publications,” and refers to Exhibit 2 of the Counterclaim for its terms. IBC denies the assertion that she assigned “all” rights or that FBMC was the assignee; the agreement includes conditions and a reversion clause in favor of the writer.

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.

**ANSWER:** IBC admits that the Copyright Office issued Registration No. PA0000794814 for “The Word Was God” on or about May 1, 1996, and refers to Exhibit 3 for its contents. IBC otherwise denies Paragraph 24, including any implication that the registration establishes FBMC’s ownership, validity, or scope beyond protectable expression.

**FBMC**

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

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25, and therefore denies them.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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).

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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

**ANSWER:** Denied. IBC denies that FBMC owns the copyright in "The Word Was God" and denies that any relationship with "Gentry Publications" establishes FBMC's ownership.

**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).

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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).

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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).

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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.

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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).

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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.

**ANSWER:** IBC admits the material allegations contained in this paragraph.

**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.

**ANSWER:** Denied as stated. IBC denies the timing and characterization of any decision to create a “musical collection” and refers to Exhibit 4 for its contents, denying any inconsistent paraphrase.

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.*

**ANSWER:** Denied as stated. IBC denies the timing and characterization of any decision to incorporate a “new, Gospel-style arrangement” of “The Word Was God.” IBC refers to Exhibit 4 for its contents and denies any inconsistent paraphrase.

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.

**ANSWER:** IBC admits it sought FBMC’s permission to record and/or include its arrangement of “The Word Was God” in its musical collection. IBC denies any allegations contained in this paragraph to the contrary.

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.

**ANSWER:** IBC states that the document speaks for itself and denies any allegations inconsistent with its language.

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 5 [footnote omitted] 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: [image omitted] Ex. 6.

**ANSWER:** IBC objects that Paragraph 40 is argumentative, speculative as to IBC’s “apparent belief,” and improperly characterizes IBC’s materials as a “derivative work” and as requiring “permission”; the cited documents speak for themselves. Subject to and without waiving these objections, IBC admits only that on or about January 18, 2024, an IBC representative transmitted correspondence attaching a notated score and an audio reference related to “The Word Was God,” and refers to Exhibits 4–6 for their contents. IBC denies that, before contacting FBMC, it had already arranged and recorded a track for inclusion in any collection; denies that permission from FBMC was legally required; denies the label “Derivative Work”; and denies the remaining allegations of Paragraph 40.

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.

**ANSWER:** IBC admits the material allegations contained in this paragraph.

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.

**ANSWER:** IBC admits that Aaron Curtis is affiliated with the United Pentecostal Church International and collaborated with IBC on an arrangement related to “The Word Was God.” IBC lacks knowledge or information sufficient to form a belief as to the alleged timing “as of January 18, 2024,” and denies the characterization “Derivative Work” and any remaining allegations.

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.

**ANSWER:** IBC admits only that Devin Cunningham collaborated with IBC on an arrangement related to “The Word Was God.” IBC otherwise denies Paragraph 43, including the date-specific employment assertion and the “Derivative Work” characterization.

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

**ANSWER:** IBC admits that Hannah Leisure was a student at IBC on January 18, 2024.

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.

**ANSWER:** IBC admits that FBMC sent the January 19, 2024 email reflected in Exhibit 4 requesting information, and refers to Exhibit 4 for its contents. IBC otherwise denies the allegations and any implications that IBC had predetermined prices or distribution, that permission from FBMC was required, or that any agreement was reached.

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

**ANSWER:** IBC states that the document speaks for itself and denies any allegations inconsistent with its language.

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](https://www.tiktok.com/@natalie_ruth/video/7328419005268610346), (last visited September 25, 2025); *see also* IBC Instagram post attached as Exhibit 7.

**ANSWER:** IBC objects that Paragraph 47 is speculative (“on information and belief”), argumentative, and improperly relies on unauthenticated third-party social-media materials; the cited materials, if admissible, speak for themselves. Subject to and without waiving these objections, IBC admits only that an IBC representative sent January 2024 correspondence and that IBC held an event titled “IBC Live” in or about January 2024, and refers to Exhibits 4 and 7 for their contents. IBC denies that, before receiving FBMC’s response, it “performed its arrangement” for inclusion in any collection, denies the characterization of any IBC arrangement as a “Derivative Work,” denies that the TikTok link establishes the allegations, and denies the remaining allegations of Paragraph 47.

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

**ANSWER:** IBC admits only that a performance related to “The Word Was God” was recorded. As to any online posting, IBC refers to Exhibit 7 for its contents and otherwise denies Paragraph 48, including the “Derivative Work” characterization.

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.

**ANSWER:** IBC states that the document speaks for itself and denies any allegations inconsistent with its language.

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 [footnote omitted] and Dr. Powell, we are going to have to decline your licensing request.

Ex. 4.

**ANSWER:** IBC states that the document speaks for itself and denies any allegations inconsistent with its language.

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.

**ANSWER:** IBC states that the document speaks for itself and denies any allegations inconsistent with its language.

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 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.

**ANSWER:** Denied as stated. IBC refers to Exhibit 1 for the content of Mr. Hall’s email and denies any inconsistent paraphrase, denies that FBMC had given a “clear ‘no’,” denies that Mr. Hall “went around” FBMC, denies that IBC admitted a legal requirement of permission or liability, and denies the “Derivative Work” characterization.

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.

**ANSWER:** IBC states that the document speaks for itself and denies any allegations inconsistent with its language.

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.

**ANSWER:** Denied as stated. IBC refers to Exhibit 8 for the content of the April 9, 2024 email and denies any inconsistent paraphrase, denies that Mr. Hall “excluded” FBMC, denies that the email concedes a legal requirement of permission, and denies the “Derivative Work” characterization.

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.

**ANSWER:** IBC admits that Mr. Bock sent the email reflected in Exhibit 8 and refers to that document for its contents. IBC otherwise denies Paragraph 55, including the assertions that FBMC owns the copyright, that IBC’s arrangement was “unauthorized,” that permission was legally required, that any removal/destruction obligation existed, and that this was a “third” or unambiguous denial.

**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).

**ANSWER:** IBC admits that it performed a composition titled “John 1” at “IBC Live 25” on January 30 and 31, 2025. IBC otherwise denies Paragraph 56, including any implication that the performance used Dr. Powell’s composition “The Word Was God” or a derivative thereof, and refers to Exhibit 9 for its contents.

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).

**ANSWER:** IBC admits that it performed a composition titled “John 1” at Sanctuary Church in Columbus, Indiana on March 9, 2025. IBC otherwise denies Paragraph 57, including any implication that the performance used Dr. Powell’s composition “The Word Was God” or a derivative, and refers to the cited video for its contents, denying any inconsistent characterization.

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

**ANSWER:** IBC admits that on or about April 26, 2025, a video of an IBC Live 25 performance titled “John 1” appeared on an IBC YouTube channel. This admission does not concede that the performance used Dr. Powell’s composition or any derivative, or that permission was legally required. IBC refers to any cited video for its contents.

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.”

**ANSWER:** IBC denies that “John 1” is an arrangement of “The Word Was God” and lacks knowledge or information sufficient to form a belief about what Dr. Powell, FBMC, or any unnamed third parties believed or “recognized.”

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.

**ANSWER:** IBC admits that Mr. Rodriguez sent the May 1, 2025 email reflected in Exhibit 10 and refers to that document for its contents. IBC otherwise denies Paragraph 60, including the assertions that IBC’s use was “unauthorized,” that “John 1” is an adaptation of “The Word Was God,” that permission was legally required, or that social-media feedback establishes derivation or liability.

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.

**ANSWER:** IBC admits that on or about May 2, 2025, it released an album titled *Joy* that included a track titled “John 1,” and refers to Exhibit 11 for its contents. IBC otherwise denies Paragraph 61, including the assertions regarding “all streaming platforms,” “first album since the summer of 2024,” and any implication that “John 1” uses Dr. Powell’s composition or a derivative or required permission.

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:

[image omitted]

*See* “John 1” score attached as Exhibit 12.

**ANSWER:** IBC admits that it offered for sale *Joy* products, including “John 1.” IBC refers to Exhibit 12 for the credits reflected on the score and denies the remaining allegations, including that IBC “removed all reference to Dr. Powell,” that any such reference was required, or that “John 1” is a derivative of Dr. Powell’s composition.

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](https://www.youtube.com/watch?v=_SyBkLFT7M8&list=RD_SyBkLFT7M8&start_radio=1), (last visited September 25, 2025).

**ANSWER:** IBC admits that it performed a composition titled “John 1” at Calvary Tabernacle on May 9, 2025. This admission does not concede that the performance used Dr. Powell’s composition or any derivative, or that permission was legally required. IBC refers to Exhibit 13 for its contents and denies any inconsistent characterization.

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-acP92lX03M&t=1035>, (last visited September 25, 2025).

**ANSWER:** IBC admits that it performed a composition titled “John 1” at First Apostolic in Talmadge, Ohio (morning) and at North Pleasants Apostolic Tabernacle in St. Mary’s, West Virginia (evening) on May 11, 2025. This admission does not concede that the performances used

Dr. Powell's composition or any derivative, or that permission was legally required. IBC refers to Exhibit 14 and the cited video for their contents and denies any inconsistent characterization.

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.

**ANSWER:** IBC admits that FBMC sent the May 12, 2025 follow-up email reflected in Exhibit 10 and refers to that document for its contents. IBC otherwise denies Paragraph 65, including the assertion that IBC had not responded to FBMC's May 1, 2025 email or any implication of wrongdoing.

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.

**ANSWER:** IBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

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.

**ANSWER:** IBC admits that it performed a composition titled "John 1" at First Apostolic Church in Maryville, Tennessee on May 14, 2025. IBC otherwise denies Paragraph 67, including any implication that the performance used Dr. Powell's composition or a derivative, or that permission was legally required. IBC refers to Exhibit 14 for its contents.

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 ... [image omitted]” under the caption “Sorry, not sorry [image omitted]” . See TIKTOK, momlifewith\_eric, *Sorry not sorry*, [https://www.tiktok.com/@momlifewith\\_eric/video/7504554597814390047](https://www.tiktok.com/@momlifewith_eric/video/7504554597814390047), (last visited September 25, 2025).

**ANSWER:** Denied as stated. IBC lacks knowledge or information sufficient to authenticate the referenced TikTok post, denies the accuracy of the captions/comments, and denies any implication that the post establishes the content of any IBC performance or any liability.

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).

**ANSWER:** IBC admits that it performed a composition titled “John 1” at Abundant Life in Matthews, North Carolina on May 15, 2025. This admission does not concede that the performance used Dr. Powell’s composition or any derivative, that permission was legally required, or that any streaming/recording by IBC occurred. IBC refers to Exhibit 14 and the cited video for their contents and denies any inconsistent characterization.

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.

**ANSWER:** IBC admits that it sent a response on May 15, 2025, and refers to Exhibit 10 for its contents. IBC otherwise denies Paragraph 70, including the assertions regarding “follow-ups,” any “delay,” any attempt to “excuse” a delay, and that 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.”

**ANSWER:** IBC admits only that its May 15, 2025 email (Ex. 10) expressed the positions quoted in Paragraph 71 and refers to that document for its contents. IBC denies the remaining allegations and implications, including the assertions of “repeated indifference,” any “legal problem,” and the “Derivative Work” characterization.

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.

**ANSWER:** IBC admits that it performed a composition titled “John 1” at First Pentecostal in Jacksonville, North Carolina on May 16, 2025. IBC denies that the performance used Dr. Powell’s composition or any derivative or that permission was legally required. IBC refers to Exhibit 14 for its contents and denies any inconsistent characterization.

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).

**ANSWER:** IBC admits that on May 18, 2025, it performed a composition titled “John 1” at Bethel UPC (Old Westbury, NY) and at Oneness Rehoboth Apostolic Church (Mount Vernon, NY). IBC denies that the performances used Dr. Powell’s composition or any derivative, that permission was legally required, or that IBC streamed/recorded them. IBC refers to the cited materials for their contents and denies any inconsistent characterization.

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).

**ANSWER:** IBC admits its performance of “John 1” is still widely available due to third-parties’ postings of IBC’s previous performances. IBC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and therefore denies them.

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.

**ANSWER:** IBC admits it requested Mr. Rodriguez send an explanation of why FBMC believed “John 1” was an adaptation of “Word Was God.” IBC further states that Exhibit 17 is a document which speaks for itself, and IBC denies any allegations contained in this paragraph which are inconsistent with the language of the document.

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.

**ANSWER:** IBC states that Exhibit 17 is a document which speaks for itself, and IBC denies any allegations contained in this paragraph which are inconsistent with the language of the document.

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

[image omitted]

See IBC Facebook post attached as Exhibit 18.

**ANSWER:** IBC admits it posted the announcement on its social media channels.

78. On May 29, 2025, FBMC sent a cease-and-desist letter to IBC via counsel.

**ANSWER:** IBC admits it received a cease-and-desist letter. IBC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and therefore denies them.

79. On June 2, 2025, IBC filed the Complaint that initiated this lawsuit. [Dkt. No. 1.]

**ANSWER:** IBC admits it filed the Complaint on June 2, 2025.

**COUNT I: COPYRIGHT INFRINGEMENT**

80. FBMC re-alleges paragraphs 1 through 79 as though fully set forth herein.

**ANSWER:** Paragraph 80 contains no allegation that requires a response.

81. “The Word Was God” is an original, creative work, and is copyrightable subject matter under the Copyright Laws of the United States.

**ANSWER:** IBC admits only that to the extent “The Word Was God” contains original musical expression (excluding public-domain text and commonplace techniques), such expression may be copyrightable. IBC otherwise denies the paragraph’s allegations, including the asserted originality and scope.

82. FBMC solely owns the copyright in “The Word Was God.”

**ANSWER:** Denied. IBC denies that 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.

**ANSWER:** IBC admits that the Copyright Office issued a registration for “The Word Was God,” as reflected in Exhibit 3, and refers to that exhibit for its contents (including any number and date). IBC otherwise denies Paragraph 83, including any implication that the registration establishes FBMC’s ownership or the scope/validity of any rights beyond protectable expression.

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.

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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.

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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](https://www.youtube.com/watch?v=X4tlCneYCuA&list=RDX4tlCneYCuA&start_radio=1), (last visited September 25, 2025); YOUTUBE, keyswithtang, *John 1 | Piano Tutorial* [image omitted] *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/8szIUr97FO8?si=M\\_RjhaBRyISCrNAj](https://youtu.be/8szIUr97FO8?si=M_RjhaBRyISCrNAj), (last visited September 25, 2025).

**ANSWER:** IBC denies that “John 1” is an arrangement/derivative of “The Word Was God,” denies that it materially contributed to or encouraged any infringement, and denies responsibility for third-party posts. IBC refers to the cited links for their contents and denies any inconsistent characterization.

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

**ANSWER:** Denied. IBC denies that it engaged in deliberate or willful conduct and denies that FBMC has suffered any cognizable harm attributable to IBC.

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.”

**ANSWER:** IBC denies the material allegations contained in this paragraph.

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.

**ANSWER:** IBC denies the material allegations contained in this paragraph.

### **AFFIRMATIVE DEFENSES**

Without admitting liability, and expressly reserving the right to assert additional defenses as discovery develops, Counter-defendant IBC asserts the following defenses pursuant to Fed. R. Civ. P. 8(c):

1. Lack of Ownership / Standing (Chain of Title & Reversion). FBMC lacks standing to assert the claims because it does not own or exclusively control the rights asserted in “The Word Was God,” including due to defects in chain of title, any conditional or limited assignment, and contractual reversion and/or retention of approval/licensing rights by Dr. Powell.
2. Independent Creation. “John 1” was independently created by IBC and its composers without copying protectable expression from “The Word Was God.”
3. No Substantial Similarity in Protectable Expression. Any overlap relates only to unprotectable ideas, styles, programmatic concepts, commonplace musical devices, structures, or public-domain text, and not to protectable original expression. Merger and scènes-à-faire limit any protectable scope.
4. Public Domain. To the extent any overlap exists, it arises solely from the biblical text of John 1:1–3 and other public-domain material not subject to copyright.
5. Fair Use. Any alleged use constitutes fair use under 17 U.S.C. § 107, including based on purpose/character (transformative, educational/religious, noncommercial), the nature of the work, the limited and qualitative amount (if any) of protectable expression used, and market effects.
6. De Minimis Use. Any alleged taking of protectable expression is de minimis and not actionable.
7. Innocent Infringement. If infringement is found, which IBC denies, such infringement was innocent and without knowledge, warranting mitigation of damages under 17 U.S.C. § 504(c)(2).

8. Estoppel. FBMC is estopped from asserting its claims by its conduct, representations, and omissions.
9. Unclean Hands. FBMC's own misconduct, including defamatory and reputational attacks against IBC, bars or limits the relief it seeks.
10. Failure to Mitigate Damages. FBMC's failed to mitigate any alleged damages.
11. No Secondary Liability. IBC did not knowingly induce, cause, or materially contribute to any infringement by third parties, lacked the requisite knowledge/intent, and exercised no right and ability to supervise or control third-party posts; IBC is not vicariously liable.
12. Third-Party Postings / Lack of Volitional Conduct. Alleged online proliferation results from third parties over whom IBC has no control; any postings by others are not volitional acts of IBC.
13. Statute of Limitations. Claims are barred, in whole or in part, by 17 U.S.C. § 507(b).
14. Limits on Remedies / Apportionment. Any monetary recovery is limited to actual damages and infringer's profits, if any, attributable to protectable expression, with apportionment and deduction of costs/expenses as required by 17 U.S.C. § 504(b).
15. Injunctive Relief Factors. FBMC cannot satisfy the requirements for injunctive relief, including irreparable harm, inadequacy of legal remedies, balance of hardships, and public interest.

**PRAYER FOR RELIEF**

WHEREFORE, Counter-defendant IBC respectfully requests that this Court:

1. Dismiss FBMC's Counterclaim with prejudice;

2. Enter judgment in favor of IBC and against FBMC on all claims asserted in the Counterclaim;
3. Award IBC its costs and expenses incurred in defending against the Counterclaim; and
4. Grant such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Counter-defendant demands a trial by jury.

Dated: October 23, 2025

Respectfully submitted,

KATIE CHARLESTON LAW, PC

/s/ Katie M. Charleston

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