



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0277
September 20, 2024

Michael Podesto

CLAIMANT

v.

Donna Svei

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **October 21, 2024**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Copyright Registration

The Board can only hear a copyright infringement claim if, *before* the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). The claim must include the copyright registration number and effective date of registration, if the registration has issued, or the service request number for a pending application for registration if it has not issued. 37 C.F.R. § 222.2(c)(7)(ii)(C)-(D).

In the “Works infringed” section of the claim, you list one allegedly infringed work, titled “Company Headshot - LH,” which you describe as: “Image of a woman - Liz Hogan.” You list yourself as the author. You state that the Copyright Office registered the work with an effective date of registration of February 4, 2024. However, your work does not appear to be registered. A Board review of Copyright Office records indicates that no registrations have ever issued that named you as the author or the copyright claimant of any work. You provide VAU-1-234-642 as the Copyright Office registration number for your work, but that registration number is for entirely different material: a group of graphic design artworks titled “Marcus’ Art – Two,” registered to a different author, with an effective date of registration of October 6, 2015.

To address this issue, if you file an amended claim, it must include a valid registration number, or a valid service request number for a pending application for registration, for the allegedly infringed work. The Board cannot hear this claim unless the work was registered, or a complete application to register the copyright was submitted to the Copyright Office, *before* the claim was filed on September 16, 2024.

If the work was neither registered nor subject to a complete pending application at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would have to refile your infringement claim as a new claim in a new proceeding after submitting a complete application packet. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Because your copyright infringement claim is based on a work that does not appear to be covered by a registration or complete application for registration, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the registration issues, the Board will engage in a full compliance review, so you should review the [CCB Handbook](#), including the chapter on [Starting an Infringement Claim](#), and make sure the rest of your amended claim is compliant.

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney