



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0320

November 16, 2023

Hassan H Naqvi

CLAIMANT

v.

Google LLC

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

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

If you wish to proceed with this claim, you must file a second amended claim by **December 18, 2023**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); [37 C.F.R. § 224.1\(d\)](#).

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

Online Service Provider

In its original [noncompliance order](#), the Board found the claim noncompliant because the respondent is an online service provider (OSP) that timely responded to your notice of takedown and then restored access to your work based on a valid counter notice. The order provided a number of options in amending your claim: (1) remove the allegations that the respondent was infringing based on its activities as an OSP; (2) truthfully allege that the respondent did not comply with a takedown notice you sent; or (3) bring a claim against the original uploader, if they resided in the United States.

Your amended claim is still not compliant due to an inability to allege that the respondent failed to take down your copyright protected work in accordance with Section 512 of the Copyright Act. The facts continue to show that the respondent properly took down your work in response to a notice. You state that you submitted the

takedown on July 26, 2023, and that “YouTube removed that video on the same day.” You also state that the work was restored on July 27, 2023. An OSP is required to restore material when it receives a counternotice.

Finally, you include in your amended claim additional facts about the original uploader and their allegedly infringing activities. These facts do not relate to your claim against the respondent and do not resolve the issue that it appears that the respondent followed its legal obligations to be protected by the safe harbor from liability. In addition, you indicate that the original uploader provided a United Kingdom address in its counter-notice. It appears then that you may not be able to amend your claim to bring it against the original uploader. Unless you are able to determine that the uploader resides in the United States, and demonstrate those facts, you should not amend your claim to allege infringement by the original uploader.

Final Amendment

Your amended claim did not resolve the compliance issues raised in the September 29, 2023, Order to Amend Noncompliant Claim. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

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

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

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

Copyright Claims Attorney