



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0009

March 6, 2024

David Bibiyan

CLAIMANT

v.

Abdulsalam Issa

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **April 5, 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. 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 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.

Allegedly Infringed Work

If you submit a second amended claim, it must clarify certain discrepancies between the work identified in your copyright registration and the allegedly infringed images you identify in the amended claim. You identify the allegedly infringed work as registered with Registration No. VA 2-379-026. As stated in the February 5, 2024 Order to Amend Noncompliant Claim (“February 5 Order”):

The registration covers your authorship in photographic works, specifically, in the photographs deposited with the Copyright Office to support your application for registration. A Board review of Copyright Office records found that your deposit was a 471-page PDF, with the file name “owntheavenue_catalogue_2023-2024_v5.pdf,” which appears to include more than 100 screenshots of the website OwntheAvenue.com. The screenshots depict thousands of items of merchandise, primarily decals, stickers, and license plate frames.

In the “Works infringed” section of the amended claim, the title of the allegedly infringed work is “Pages 50-70 of the new PDF file I submitted here.” In the “Describe the work” section, you state: “Entire photos from pages 50-70 of the PDF file / new file submitted here.” In the “Describe the infringement” section, you state that the

respondent “copy and pasted the entire photos from pages 50-70 in this claim in the PDF file submitted.” A supplemental document filed with the amended claim labeled [Items Ripped.pdf](#) includes 91 images, one per page, which you identify as depicting products available on owntheavenue.com. It appears that the images on pages 50 to 70 are the allegedly infringed images at issue in this amended claim.

However, your copyright registration does not cover all of those images. Copyright Office records show that the images at pages 54, 55, and 69 of the Items Ripped.pdf file do not appear in the deposit submitted with your application for registration. If you submit a second amended claim, it must be limited to images or other copyright-protected material within your copyright registration or within a pending application for registration that was submitted before this claim was filed, that is, before January 12, 2024. *See* 17 U.S.C. § 1505(a).

In addition, your claim partially duplicates other claims that you have pending against the same respondent:

- In both this claim and *Bibiyan v. Issa*, Claim No. 24-CCB-0006, you allege infringement of an image that appears on both page 15 and page 59 of the Items Ripped.pdf file.
- In both this claim and *Bibiyan v. Issa*, Claim No. 24-CCB-0008, you allege infringement of the image on page 50.
- In both this claim and *Bibiyan v. Issa*, Claim No. 24-CCB-0011, you allege infringement of the image on page 70, and of an image that appears on both page 63 and page 71.

This claim and those claims are all noncompliant because you cannot maintain claims of infringement over the same copyright-protected material against the same respondent in multiple proceedings at once. If you file second amended claims in these proceedings, you must omit duplicate images from the allegedly infringed material you identify as the subject of the claim. Duplicative claims will be dismissed.

Supplemental Documents

It is not clear how one of the supplemental documents included with your amended claim, labeled [Copyright Claims Board Infringement Sample Page.jpg](#), supports or relates to the infringing activity alleged in your amended claim. The document shows an image of a “Bigfoot Research Team” license plate frame, which is not one of the allegedly infringed images at issue in the amended claim. If you submit a second amended claim, please include only documents that directly pertain or relate to the claim, and provide an explanation of their relevance if it is not clear. Removing unrelated images will make it easier for the Board and the respondent to understand the nature of the claim.

In addition, a supplemental document labeled [believe bf 1.jpg](#) indicates that one of the allegedly infringed images, of a “Believe” license plate frame, was created or modified on March 2, 2022, but the Certificate of Registration for VA 2-379-026 states that the registered work was completed in 2010 and first published January 1, 2011. If you do not remove that document when you amend the claim, then you must explain that apparent discrepancy, as the February 5 Order explained.

Final Amendment

Your amended claim does not resolve all of the compliance issues raised in the February 5 Order, and it raises further issues, discussed above, that also must be resolved for the claim to go forward. **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 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