



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0131
June 12, 2023

Porscha Brown

CLAIMANT

v.

Facebook

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 **July 12, 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.

Permissible Claim

The Board is only authorized to resolve certain types of copyright disputes. 17 U.S.C. § 1504(c)(1)-(3). You checked the box on the claim form to state that your amended claim is for copyright infringement, which is a type of claim that the Board can address. However, your allegations appear to describe a dispute over online impersonation that does not involve copyright infringement. Supplemental documents filed with the amended claim indicate that you sent Facebook emails in July 2022 to report that an impostor had stolen your Facebook account by changing the contact information. A claim for fraud might be viable in court, but the Board is not authorized to hear claims for fraud that are unrelated to copyright. 17 U.S.C. § 1504(d)(1).

The “Describe the infringement” section of the amended claim states that “Facebook has been using my name and selling things under my name,” and other allegations describe Facebook “misusing my name.” Without more, using your personal name is not an act of copyright infringement because personal names are not protected by copyright. “The following are examples of works not subject to copyright ...: Words and short phrases such as

names, titles, and slogans[.]” 37 C.F.R. § 202.1(a). See *Downing v. Abercrombie & Fitch*, 265 F.3d 994, 1004 (9th Cir. 2001) (“A person’s name or likeness is not a work of authorship within the meaning of 17 U.S.C. § 102.”), *Peters v. West*, 692 F.3d 629, 636 (7th Cir. 2012) (“the name alone cannot constitute protectable expression”). More information about copyright law related to names and short phrases is available in Section 313.4(C) of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition* and in [Circular 33: Works Not Protected By Copyright](#).

If you file a second amended claim for copyright infringement, it must include allegations that describe an act infringing your rights in a work protected by copyright. If you cannot state facts that describe a type of copyright dispute that the Board can hear, you should not file a second amended claim.

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). If the Copyright Office has registered the work, the claim must include the registration number; if it is not yet registered, the claim must include the service request number for a pending application to register the copyright. 37 C.F.R. § 222.2(c)(7)(ii)(C)-(D).

In the “Works infringed” section of your amended claim, you list one allegedly infringed work. You state that the Copyright Office has not registered the work. You provide 00000 as the service request number for a pending application for registration, which is not a valid service request number.

To address this issue, if you file a second amended claim, you must include a valid registration number for the allegedly infringed work, or a valid service request number for a pending application to register the work. Either the registration must have been issued, or a complete application must have been delivered to the Copyright Office, before you filed your claim on April 10, 2023. If your work was neither registered nor subject to a pending application at that time, with the application fee paid, this claim cannot be successfully amended and cannot proceed. Instead, before you could refile your claim as a new claim, you would need to have either a copyright registration, or a previously filed application for registration, for the allegedly infringed work. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Final Amendment

The amended claim does not fully resolve the compliance issues raised in the April 27, 2023 noncompliance order, and raises further issues, explained 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 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