



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0122

June 7, 2023

Larry A Hill ; Bey

CLAIMANT

v.

Chattahoochee police department,
Gadsden county jail, Jack Campbell,
Marcus Dixon

RESPONDENTS

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 7, 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 at least 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.

Copyright Infringement Claim – Registration

As noted in the Board's April 20, 2023 Order to Amend Noncompliant Claim, 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).

In your claim, you list 1-11784553598 as the service request number for the work. The registration process of the Copyright Office is completely separate from the Board. However, a Board search of Copyright Office records found that the application was closed without the Copyright Office issuing a registration. The Copyright Office sent a letter to you on October 25, 2022, with questions about your application, noting that if you did not respond to the message within 45 days, your case would be closed without processing your registration or notifying you

further. The Office did not receive a reply by the specified deadline and the application was closed as a “No reply.” An application packet must have been delivered to the Copyright Office before you filed your claim on March 31, 2023. If your work was neither registered nor subject to a complete pending application at that time, this claim cannot be successfully amended and cannot proceed. Because you have filed a copyright infringement claim that does not appear to be based on a work covered by a registration or pending 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. Unless you can adequately explain how the recitation of facts regarding your application is not accurate, to the extent you wish to proceed, you will have to refile your infringement claim as a new claim in a new proceeding after a complete application packet to register the work in issue has been filed with the Copyright Office. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Misrepresentation Claim – No misrepresentation

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). Your claim must make enough factual allegations to support each “element” of the claim. Misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider related to a copyright-protected work posted online. Online service providers include websites that host content uploaded by users such as social media websites and search engines that direct users to particular websites. The elements of a misrepresentation claim are that:

1. The respondent sent an online service provider either
 - a. a takedown notice claiming online content or activity was infringing, or
 - b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider’s decision to take down or repost the content,
5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). To violate section 512(f), a statement must falsely misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)(2).

Your amended claim does not identify or describe any misrepresentation in connection with a takedown notice or counter-notice to an online service provider. In your amended claim, you answered “Larry alonzo hill bey” to question about who sent a DMCA (section 512) takedown notice, and “No” to the question about whether a

counter-notice was sent. In addition, you responded that the “Gadsden county courthouse” is the online service provider who received the takedown notices when that entity is almost certainly not an online service provider. You describe the content of the takedown notice as “Notice of copyright .LARRY ALONZO HILL TRUST ©” and the words that made up the misrepresentation and explanation of the misrepresentation as “Affidavit of truth. Notice of copyright.” These statements do not appear to describe any misrepresentations, and certainly none to an online service provider by a respondent, and do not support a claim of liability for misrepresentation under section 512. To support your claim of misrepresentation, you must make clear the respondents against whom you are alleging misrepresentation and provide additional facts to show that those respondents sent a takedown notice or counter-notice to an online service provider and that the takedown notice or counter-notice included a false or incorrect statement of fact, and you must show or explain why the statement was false or incorrect. If you submit an amended claim, you must state facts in support of each element of the claim, including allegations that describe a false or incorrect statement of fact by the respondent that would violate section 512(f), and indicating what words were false or incorrect and how they were false or incorrect.

Final Amendment

Your amended claim did not resolve the compliance issues raised in the April 20, 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