



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0029

## United States Copyright Claims Board

Lane Coder Photography LLC

v.

Townsquare Media, Inc

CLAIMANT

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 **September 19, 2022**. 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 extra 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.

#### Copyright Infringement Claim – Impermissible Allegations

The “Describe the infringement” field of your claim includes the allegation: “Respondent falsely attributed the copyright in the Photograph to ‘William Pitt,’ which is a violation of the DMCA Section 1202.” Section 1202 violations cannot be heard by the Board. The Board is only authorized to resolve certain types of copyright disputes. A permissible copyright infringement claim before the Board must allege “infringement of an exclusive right in a copyrighted work provided under section 106” of Title 17. 17 U.S.C. § 1504(c)(1). Claims concerning misattribution of copyright management information under section 1202 of Title 17 are not subject to determination by the Board. 17 U.S.C. § 1504(d); *see also* Public Law 116–260, Div. Q, Title II, § 212(e)(2)(A), 134 Stat. 1182, 2199–2200 (2020) (requiring the Register of Copyrights to study, within three years after the Board’s first determination, among other things, whether the Board should be given additional authority to consider claims under section 1202). To correct this issue, you must file an amended claim that omits the allegation that the respondent violated section 1202.

#### Copyright Infringement Claim – Legal or Beneficial Ownership

Your claim provides conflicting facts about the claimant’s status as a legal or beneficial owner. To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement for which the claimant seeks damages, if any [.]” 17 U.S.C. § 1504(c)(1). When the claim was submitted, you certified that the claimant was the legal or beneficial owner of rights in the work identified in the infringement claim.

The claim identifies W. Lane Coder individually as the author of the allegedly infringed work, and supplemental documentation includes a Certificate of Registration issued to W. Lane Coder personally as the author and copyright claimant. However, the claim before the Board is raised by an entity, Lane Coder Photography, LLC.

These facts are in conflict with your certification. To correct this issue, you must add facts to the “Describe the infringement” section of the claim explaining how either the claimant entity (1) obtained ownership of the exclusive rights allegedly infringed, or (2) otherwise was the legal or beneficial owner of the exclusive rights at the time of the infringement. For example, if the work was exclusively licensed by W. Lane Coder to the named entity, then that entity would be an appropriate claimant and the claim should state the work was exclusively licensed to it.

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.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page.

4. Once you have completed your edits, continue to click through the claim flow 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](mailto: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. You may also refer to the [Compliance Review](#) chapter of the Copyright Claims Board Handbook for more assistance.

Copyright Claims Attorney

August 18, 2022