



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0141  
April 28, 2025

James K. Craig

CLAIMANT

v.

Lisa Craig

RESPONDENT

## ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **May 28, 2025**. 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. 17 U.S.C. § 1506(f)(1)(B). However, you should not submit an amended misrepresentation claim if you know that it cannot be properly amended.

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. 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.

### Misrepresentation

You are also bringing a claim of misrepresentation in connection with a counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation claim has a very specific meaning under copyright law, which involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online.

Your claim must make enough factual allegations to support each “element” of the claim. The elements of misrepresentation that apply to your claim are:

1. The respondent sent an OSP a counter-notice, denying the claim of infringement in a takedown notice, 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 counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP’s decision to restore the content, and
5. You were harmed as a result of the OSP’s decision to repost the content.

17 U.S.C. § 512(f). More information about the elements of a misrepresentation claim under Section 512(f) is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook. A misrepresentation in a counter-notice only violates section 512 of the Copyright Act if the OSP relies on it to restore the allegedly infringing content.

There is no allegation in the claim that the OSP (YouTube) restored the content. Without such an allegation, your misrepresentation claim cannot go forward. Moreover, information in your claim suggests that the OSP did not restore the content based on the alleged misrepresentation in the counter-notice before you filed your claim on April 18, 2025.

“Safe harbor” provisions in section 512 of the Copyright Act protect certain OSPs from paying damages for infringement claims if they restore allegedly infringing material, ten to fourteen business days after receiving a proper counter-notice, unless they first receive notice of an infringement claim filed against the alleged infringer in court or before the Board. More information is available on the Copyright Office’s [section 512](#) page. You state that you sent a takedown notice to YouTube on April 15, 2025, requesting removal of the allegedly infringing listing, and that the respondent sent a counter-notice to YouTube on the same date. You filed this claim before the Board three business days later, on April 18, 2025. The proximity of these dates suggests that YouTube would not have reinstated respondent’s video at the time you filed your claim, less than ten business days after the counter-notice. Your allegations that the respondent is “using false information in an attempt to get the content reinstated” and that “I would like for my content to not be placed back onto their Youtube channel” also indicate that YouTube had not restored the listing.

If YouTube had restored the allegedly infringing listing before you filed this claim on April 18, 2025, your amended claim must state facts about that restoration. However, if the respondent’s listing had not been restored in reliance on the counter-notice by that date, this misrepresentation claim cannot move forward.

### **Proper Respondent**

The respondent named in a misrepresentation claim must be the person who allegedly made the misrepresentation and against whom the proceeding should be brought. 17 U.S.C. § 1501(4). Your claim must include the correct name and mailing address of the respondent. 37 C.F.R. § 222.2(c)(2).

In your claim, you explain that the name and address you provide in the Respondent section of the claim is “false information” that the respondent provided in a counter-notice to YouTube: “on their counter notice the name and address they provided is not theirs.” You specify that the counter-notice falsely “used my mother’s name Lisa Craig, and my address.” The claim therefore does not present facts that indicate that the named respondent is a proper respondent. Instead, it is apparent that Lisa Craig is not the proper respondent because she is not the person that you are seeking to hold liable for misrepresentation.

You cannot maintain your claim against a respondent without obtaining the respondent’s actual name and address. Among other things, you would need that information in order properly serve the claim on respondent. If you submit an amended claim, it must correct that information.

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](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. 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.

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