



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0051

February 20, 2025

Samara Kam and Wade Dadant

CLAIMANTS

v.

Nora Ames and Google LLC/YouTube LLC

RESPONDENTS

## 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 **March 24, 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).

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.

### Proper Respondent

You are bringing a claim of misrepresentation in connection with a takedown 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. 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.

It does not appear that Google LLC/YouTube LLC (“YouTube”) can be a proper respondent for this claim. To violate Section 512(f), a respondent must falsely state “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). You allege that the other named respondent Nora Ames (“Ames”) made such a statement, not YouTube. A misrepresentation that violates Section 512(f) must be made *to the OSP*, **not by the OSP**. Your claim does not indicate that YouTube made any false statement, and YouTube cannot be held liable for receiving an allegedly false statement.

If you file an amended claim, you must omit YouTube from the “Respondent” section, unless you include facts that indicate that YouTube harmed the claimant(s) by making false statements to another OSP about the work.

## Proper Claimant

You have named two claimants, Samara Kam (“Kam”) and Wade Dadant (“Dadant”). Your allegations do not make clear that Dadant is a proper claimant to raise this claim. A claim of misrepresentation in connection with a takedown notice under 17 U.S.C. § 512(f) can only be brought by a copyright owner of the work that was taken down by the OSP, or by the owner’s authorized licensee. A [document](#) filed with the claim, which appears to show the content of an email from YouTube to Kam about Ames’ takedown notice, indicates that YouTube had removed the Kam video identified in the takedown notice. You allege that Kam sent YouTube a counter-notice seeking to have the video restored. Those facts do not indicate that Dadant is a proper claimant. You do not present facts that indicate that Dadant was a copyright owner or an authorized licensee of the video who was personally harmed by its removal.

If you file an amended claim, you must omit Dadant from the “Claimant” section, unless you include facts that indicate that Dadant was either a copyright owner of the video or an authorized licensee of the copyright owner, and that Dadant was personally harmed by Ames falsely claiming to YouTube that the video was infringing.

## Authorized Representative

Individuals may bring claims before the Board on their own or through an authorized legal representative, who must be either a licensed attorney or an authorized law student. 17 U.S.C. § 1506(d). While a self-represented claimant may be given permission by other claimants to file the claim on their behalf, each individual claimant needs to represent themselves or have an attorney or law student represent them for the rest of the proceedings.

The “Claimant” section of the claim lists Kam as Dadant’s authorized representative and Dadant as Kam’s authorized representative. That does not appear to be correct. Each of them is registered for eCCB as a “Self Represented Party,” not as an attorney or an authorized student representative. Nothing in the claim indicates that Kam is an attorney or law student. The claim form lists Dadant as Kam’s “Attorney or law student representative,” but nothing else in the claim indicates that Dadant is an attorney or law student.

If Kam is an attorney or law student and is therefore authorized to represent Dadant, then Kam’s user role in eCCB must be corrected, and the amended claim must provide additional information about Kam’s qualifications. If Kam is not an attorney or law student, you will need to correct the authorized representative information for Dadant to indicate whether Dadant will have representation for the rest of the proceeding or will be self-representing. You can also select “unknown.”

If Dadant is an attorney or law student and is therefore authorized to represent Kam, then Dadant’s user role in eCCB must be corrected, and the amended claim must provide additional information about Dadant’s qualifications. If Dadant is not an attorney or law student, you will need to correct the authorized representative information for Kam to indicate whether Dadant will have representation for the rest of the proceeding or will be self-representing. You can also select “unknown.”

More information about representation is available in the [Representation](#) chapter of the CCB Handbook.

## Relief Requested

The Board is only authorized to grant certain forms of relief. In the “Description of harm suffered and relief sought” section, you request several forms of relief that the Board cannot grant.

You request “costs and attorneys’ fees incurred,” including for attorneys’ fees apparently incurred before filing the claim. The Board cannot award pre-claim attorney fees, or any attorney fees (beyond costs) incurred by a self-represented party. 17 U.S.C. § 1506(y)(2). Further, costs and attorneys’ fees are only awarded in cases where the Board finds the other party acted in bad faith during the course of the proceeding. For more information about bad faith, consult the [Participant Conduct](#) chapter in the CCB Handbook.

You request “that a criminal referral be made against Respondent.” That is also not a form of relief that the Board is authorized to grant. 17 U.S.C. § 1504(e).

In addition, you request a total of \$36,084, including \$22,264 in attorneys’ fees. The most that the Board can award in damages (not counting any fees award) in a single proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). More information is available in the [Damages](#) chapter of the CCB Handbook.

If you file an amended claim, do not include requests for relief that the Board cannot grant.

## Clarity

Your claim should also be clarified in other respects. Dadant’s mailing address in the “Claimant” section appears to include extraneous information. If you keep Dadant as a claimant in the amended claim, confirm that the address is correct or correct it.

In addition, in the “Misrepresentation” section of the claim, it asks where the misrepresentation occurred; in response, you selected “Yes” twice, as if the misrepresentation occurred not only in Ames’ takedown notice but also “in the counter-notice.” In your amended claim, you should select “No” as your response to the question asking if the “Misrepresentation occurred in the counter-notice.”

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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