



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0167
May 7, 2025

Avang Records Inc

CLAIMANT

v.

Ahmad Saeedi

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 **June 6, 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 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 May 5, 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 25, 2025, requesting removal of the allegedly infringing posts, and that the respondent sent a counter-notice to YouTube on April 26, 2025. You filed this claim before the Board six business days later, on May 5, 2025. The proximity of these dates suggests that YouTube would not have reinstated respondent’s posts at the time you filed your claim, less than ten business days after the counter-notice.

If YouTube had restored the allegedly infringing posts before you filed this claim on May 5, 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, then this misrepresentation claim cannot move forward and you should not file an amended claim.

Prior Opt-Out

This is your second proceeding before the Board against the respondent Ahmad Saeedi, who chose to opt out of the first proceeding on January 12, 2025. You may not refile the same basic claim against a respondent who opted out the first time you raised it. The Board explained that to you when it dismissed the first proceeding:

... if the claimant attempts to refile a claim with the Board against the same respondent, covering in substance the same acts and the same theories of recovery as in this proceeding, the Board will again dismiss the claim, unless the claimant can demonstrate that the respondent affirmatively agreed to have the dispute resubmitted to the Board for resolution.

Order Dismissing Claim Without Prejudice, *Avang Records Inc. dba Avang Music v. Saeedi*, 24-CCB-0379 (Jan. 13, 2025) (citing 37 C.F.R. § 223.1(i)). See also *Copyright Claims Board: Initiating of Proceedings and Related Procedures*, 87 Fed. Reg. 16,989, 16,997 (March 25, 2022) (“the prohibition on refiled claims extends not only to identical or verbatim claims previously filed by the claimant from which the respondent has already opted out, but also to claims involving the same parties that cover the same acts and theories of recovery in substance, notwithstanding minor variations.”).

While an “opt-out for a particular claim shall not be construed as an opt-out for claims involving different acts or different theories of recovery,” 17 U.S.C. § 223.1(j), this claim substantively mirrors the theories and facts you presented in 24-CCB-0379. In both proceedings you raised misrepresentation claims and accused the respondent of sending counter-notices that falsely claimed to own the copyright in material posted on YouTube. The claims do not make clear if the counter-notices at issue in each claim relate to different underlying material or if instead, the

respondent simply reposted videos that were at issue in 24-CCB-0379 with different YouTube URLs.

If your April 25, 2025 takedown notice asked YouTube to remove the same videos (even at different URLs) that you had asked YouTube to remove in the July 30, 2024 takedown notice identified in 24-CCB-0379, then this misrepresentation claim covers in substance the same acts and theory of recovery as that claim, so it cannot move forward and should not be refiled. To address this issue, your amended misrepresentation claim must allege false statements to an OSP that were not at issue in 24-CCB-0379. Even if you file an amended claim and it is found compliant and allowed to proceed, if the Board later determines that this claim is substantively the same as the claim raised in 24-CCB-0379, this claim will be subject to immediate dismissal.

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. 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.