



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0041
February 16, 2024

Kelly Green

CLAIMANT

v.

Brooke A. Graham

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 **March 18, 2024**. 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 additional 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 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.

You may also choose to correct or edit any errors or other information in your claim before you file it again. For example, it appears that the email address you provide for the respondent may include a typo, because it is slightly different from the one you provided for the same respondent in your earlier claim (*Green v. Graham*, 24-CCB-0017). Please confirm that the email address is correct before filing an amended claim.

Legal or Beneficial Ownership

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.” 17 U.S.C. § 1504(c)(1). Your claim presents unclear information about your status as a legal or beneficial owner of the allegedly infringed works.

A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or

supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue.

In the “Works infringed” section of your claim, you list two allegedly infringed works, titled “Well Lets talk about my sons claims and why he all of a sudden hates me/juelz/jy/sly/jayjay join me” and “the 3 stooges brown liquor brooke, temu teeth and momo are the only ones lying to everyone.” You provide 1-13413805450 and 1-13413805369, respectively, as the service request numbers for pending applications for registration of the works. You list Siwa Moon as the author of both works. The pending applications for registration list Siwa Moon as the author and copyright owner of both works.

Your claim does not explain any relationship between you and Siwa Moon, or indicate how you have the right to bring a claim of infringement of works authored by Siwa Moon.

To address this issue, you must file an amended claim with allegations that indicate how you are a legal or beneficial owner of the copyrights. For example, if Siwa Moon is your alias or pseudonym, you may add that name in the “Alias” field of the “Claimant” section; or if Siwa Moon has transferred the copyrights to you, include allegations that describe when and how the transfer happened, or add documents that show the transfer.

Alternatively, if you are not a legal or beneficial owner and Siwa Moon is, then any amended claim must remove you as the claimant and name Siwa Moon as the claimant instead.

Allegedly Infringed Work – Clarity

If you cannot determine the “work of authorship” category for your infringed works, your claim must include “a brief description of the nature of the work.” 37 C.F.R. § 222.2(c)(7)(ii)(E). You describe each allegedly infringed work as: “My Youtube livestream, my images, my photos and channel art.” That description is confusing because it appears to describe multiple works and multiple types of works.

Your claim must be based on works that have copyright registrations or pending applications for registration. The applications for registration you identify in this claim are for works that appear to be livestreamed videos. Your allegations indicate that you intend to assert a claim of infringement of two YouTube livestreams. Although each video may include photographs and other graphic works you own that appeared in the livestreams, each application appears to cover the entire contents of a video, and your amended claim may simply describe each work as a YouTube livestream video. That description will be more accurate based on what you have applied to register, and will cover whatever you created and displayed in those livestreams as one work.

Alleged Infringing Activity – Clarity

Your claim must state “when the alleged infringement began,” to the extent that you know when it began. 37 C.F.R. § 222.2(c)(7)(ii)(E). In the “Wrongful activities” section, you allege that the respondent began to infringe the two livestreams on October 1, 2022. That allegation is confusing, because your applications for registration indicate that one of the livestreams was completed in 2023 and first published on December 29, 2023, and the other was

completed in 2024 and first published on January 2, 2024. Those 2023 and 2024 dates appear to be when the works were livestreamed. It is not clear how the respondent could have committed infringing acts more than a year earlier.

If you file an amended claim, confirm that the date you list as the first date of infringement is correct. If you continue to allege that the respondent began to infringe the livestreams before they were published, your amended claim must include some explanation of how.

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.

Copyright Claims Attorney