



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0142  
May 29, 2024

Bahar Ceylan

CLAIMANT

v.

Amazon

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 28, 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 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.

### Copyright Infringement—Online Service Provider

Special rules apply to claims against online service providers. In this context, an “online service provider” or OSP is a provider of online services to store (and make available), refer to, provide access to, or link to material that is available online. Online service providers include content-sharing websites and internet search engines, among other services.

“Safe harbors” in section 512 of the Digital Millennium Copyright Act shield certain online service providers from paying damages for copyright infringement claims if, among other things, they take steps to quickly remove or disable access to infringing material when a copyright owner notifies them about the infringement through a proper takedown notice. To avoid liability, online service providers must follow procedures specified in section 512 when they receive takedown notices alleging infringement, and counter-notices seeking the reposting of the allegedly infringing material. An infringement claim against an online service provider that is eligible for a section 512 safe harbor **must** state facts that indicate that the respondent did not follow those procedures. If the respondent is operating as an online service provider, then under the CASE Act, the claim cannot be compliant unless you affirm that you sent the online service provider a section 512 notice of infringement, and that it “failed to remove or

disable access to the material expeditiously upon the provision of such notice.” 17 U.S.C. § 1506(f)(1)(C)(i).

In the “Description of harm suffered and relief sought” section of the claim, you state that Amazon “suspended the listing but threatening to reinstate unless I take legal action.” Such an allegation is consistent with what occurs when an online service provider that has taken down allegedly infringing material then receives a “counter notice” from a third party who uploaded the material. In order to enjoy the benefits of the safe harbor under section 512, the online service provider must reinstate the material that it has taken down if it receives a counter notice. If Amazon has notified you that it has reinstated the material because the person who had uploaded it sent a counter notice to Amazon, your claim against Amazon may not go forward unless you have notified Amazon that you have filed an infringement action against that person.

You do not provide information supporting your allegations that you sent a takedown notice to Amazon, and that it failed to expeditiously remove or disable access to infringing material upon receiving notice of infringement. In fact, in your claim, you answered “no” to the question “Did the online service provider fail to expeditiously remove or disable access to the material after you sent a takedown notice?” Your claim cannot move forward based on this allegation that Amazon did not fail to expeditiously remove or disable access to the material after you sent a takedown notice.

To the extent that you want to allege that Amazon or a third party directly infringed your copyright, your claim does not describe any infringing activity by Amazon. While you allege that “[t]hey are selling identical copies of my artwork, images and design,” your claim does not present facts that clearly state how Amazon or a third-party user engaged in that infringing activity. You do not describe how Amazon used the work in a way that would violate any of your exclusive rights. In order to proceed with a claim of direct infringement against Amazon, you need to remove the allegations that the respondent is an online service provider, that you are bringing a claim against Amazon provider due to its storage of or referral or linking to infringing material posted by others, and that you sent a section 512 takedown notice to Amazon. You should not remove those allegations unless you have a basis for concluding that they are incorrect.

Alternatively, if you would like to pursue a claim against Amazon in its capacity as an online service provider, you must state facts supporting allegations that would make the respondent liable outside the scope of Section 512 in the “Describe the infringement” section of the claim. Additionally, you must truthfully answer “Yes” to all four online service provider questions.

Please visit the [section 512](#) page and the discussion at pages 18-19 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information about what section 512 of the Copyright Act requires for an infringement claim against an online service provider.

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.

Copyright Claims Attorney