



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0133  
April 30, 2025

Keith F. Bell

CLAIMANT

v.

George Washington University

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 30, 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. 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.

### Proper Respondent

Your claim does not include enough information or clarity about the allegedly infringing acts committed specifically by the respondent, George Washington University. In your claim, you appear to allege infringement of your work due to it being reposted on Twitter by Chris O’Neil. You do not appear to allege that George Washington University itself has infringed your copyright or shown or explained how George Washington University would be responsible for the reposting of a tweet if it was done on Chris O’Neil’s personal account.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly perform the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

In your claim, you state that “Respondent Chris O’Neill, an Assistant Baseball Coach & Recruiting Coordinator at GWU posted WIN on his social media account: <https://twitter.com/cjoneill511>.” However, you have not included any information connecting the actions of Chris O’Neill to George Washington University or why this

repost would be considered an action of George Washington University. These bare allegations do not provide sufficient details for the Board or the respondent to understand what the allegedly infringing acts of the named respondent were. Furthermore, you give practically no details as to the alleged infringement. Your claim: states that the infringement date started in 2015; attaches an image of a third-party post from 2015 that you say Chris O’Neil reposted but you do not say when, although it must have been before February 16, 2022 as the image shows that you discovered it no later than that date); and states that you settled infringement claims regarding the work at issue with respondent in 2018. If you file an amended claim, include more specific allegations about how **the respondent** took actions to distribute or publicly display the work and, if so, why the alleged infringement is not covered by the settlement agreement. You should not file an amended claim unless you can do this.

### **Statute of Limitations**

Your claim includes facts that indicate that you discovered the alleged infringement no later than February 16, 2022. If you do not allege any infringing act that occurred or was discovered in the last three years, or give reasons why it was reasonable that you did not discover the claim until the last three years, the claim will be barred by the statute of limitations.

A “statute of limitations” is a time limit set by law for starting a claim. The statute of limitations period for copyright claims, both in federal court and the Board, is three years after the claim “accrues.” 17 U.S.C. §§ 507(b) & 1504(b)(1). A claim for copyright infringement accrues when the infringing act occurs, or when the claimant discovers, or reasonably should have discovered, the infringement. *Starz Entertainment LLC v. MGM Domestic TV Distrib., LLC*, 39 F.4th 1236, 1239-41 (9th Cir. 2022); *Motorola Solutions, Inc. v. Hytera Communications Corp., Ltd.*, 108 F.4th 458, 479 (7th Cir. 2024). A proceeding before the Board cannot be commenced more than three years after the claim accrued. 17 U.S.C. § 1504(b)(1).

The attachment to your claim does not show when Chris O’Neil supposedly reposted your work, but it strongly suggests you discovered any repost no later than February 16, 2022, which is more than three years before you filed your claim.

Only allegedly infringing acts that that took place or that you should have reasonably discovered on or after April 11, 2022, three years before the day that you filed the claim with the Board, would fall within the statute of limitations period. Because it appears that you had known about or should have known about the alleged infringing acts for more than three years, they cannot be the subject of this infringement claim unless you can show in an amended claim that your allegations are based on **new** actions taken by **the respondents** within three years of your filing your original claim (that is on or after April 11, 2022) or you can give a credible explanation as to why it was not reasonable for you to have discovered additional infringements (other than the one already alleged) before that time frame. Again, you should not file an amended claim unless you can do this.

### **Impermissible Claim — Violation of Terms of Service**

The Board is only authorized to resolve certain types of copyright disputes. 17 U.S.C. § 1504(c)(1)-(3). In your

claim you allege that “[w]ith Respondent’s actions Respondent has additionally violated Twitter (now “X”) Terms of Service (“TOS”) Version 18. Section 3.” You further state that “Respondent has given “X” (Twitter) rights for a worldwide, non-exclusive, royalty-free license (with the right to sublicense) to use, copy, reproduce, process, adapt, modify, publish, transmit, display and distribute such Content in any and all media or distribution methods (now known or later developed).” These allegations do not appear to be about any kind of claim that the Board could hear. The Board is unable to consider any violation of an online service provider’s terms of service. Please review the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. You should only file an amended claim if you can state facts to support a claim under copyright law that can be heard by the Board. If you make a claim for violation of Twitter’s terms of service in an amended claim, it will be rejected as noncompliant.

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.

