



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0258

February 9, 2023

SEANJARI PREET WOMB HEALING

CLAIMANT

v.

YOUTUBE/GOOGLE

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim still 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 a second amended claim by **March 13, 2023**. 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 second 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 amended claim before you file a second amended claim. 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.

Impermissible Claims

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital Millennium Copyright Act.

You checked the boxes stating your claim was one of copyright infringement and misrepresentation. In your claim, however, you include allegations that implicate a trademark dispute, the Communications Decency Act, and violations of the rules of professional and ethical conduct for attorneys. It is not clear how the supplemental documents uploaded with your claim support or relate to a copyright claim that the Board can hear. When you submit a second amended claim, please include only allegations and documents that pertain or relate to claims the Board can hear, and provide an explanation of the relevance of any document that you include with your amended claim. .

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 believe you actually have a claim under copyright law that can be heard by the CCB. For more information about what is required to support a claim of infringement, noninfringement, or misrepresentation please refer to the CCB Handbook:

- [Starting an Infringement Claim](#)
- [Starting a Noninfringement Claim](#)
- [Starting a Misrepresentation Claim](#)

Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

In your claim, the registration number you provided (87393704) corresponds to a registered trademark with the United States Patent and Trademark Office. Further, you include two additional trademark certificates one for “[Womb Healing Vaginal Pearls](#)” and another for a [logo](#) as supplemental materials. To address this issue, if you file an amended claim, please provide a United States **copyright** registration number for the work or the service request number for the application to register the work.

Either the registration must have been issued or the application must have been delivered to the Copyright Office before you filed your claim on December 4, 2022. If your work was neither registered nor subject to a pending application at that time, this claim **cannot be successfully amended** and cannot proceed. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement Claim – Clarity

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your copyright infringement claim must provide enough information for the respondent to understand what its allegedly infringing acts were. However, the current allegations as set forth in the claim are unclear and difficult to understand. Your claim alleges that “My argument is: The allegations are false, I have no nudity on my channel, or sexually provocative content. I requested that my videos are taken down by YouTube and YouTube has refused to remove the videos from the Platform.” However, there is no information in your claim or in the supplementary documents included with your claim about what YouTube allegedly did to infringe the copyright in your works, including clear statements regarding the infringement of each work. In your amended claim, you will need to include additional factual information about how YouTube used your works without your permission.

Copyright Infringement Claim – Access

Your claim does not provide facts about how the respondent had access to your works. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place. To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include that your works (a) were sent directly to the respondent or a close associate of the respondent; (b) were widely disseminated or was available to the public or respondent; or (c) are so strikingly similar to the respondent’s works that the respondent could not have created it independently.

Copyright Infringement Claim – Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your works and the respondent’s allegedly infringing works, if any. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar. No allegations in the “Describe the infringement” field of the claim describe your works or the allegedly infringing works, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your works or the allegedly infringed works as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it. If you submit an amended claim, it must include factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your works were taken by the respondent in the allegedly infringing works, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

More information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Misrepresentation Claim

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). Misrepresentation under copyright law has a very specific meaning in copyright law dealing with false statements made in a takedown notice or counter-notice to an online service provider related to the posting of a copyright-protected work. However, you do not allege that the *respondent* sent a false takedown notice or counter-notice to an online service provider. Instead,

your claim states that “YouTube claimed that my content contain nudity” and indicates that the videos were removed for nudity and sexual content. This is not the type of claim that can be heard by the CCB. You should only file a misrepresentation claim if you believe you actually have a claim under copyright law that could be heard by the CCB. Please review the [Starting a Misrepresentation Claim](#) in the CCB Handbook for more information.

Final Amendment

Your amended claim did not resolve the issues raised in the December 16, 2023 Order to Amend. If you file a second amended claim, it must state enough facts in support of the claim alleged. This is your third and final opportunity to submit a compliant claim in this proceeding. If you raise any claims that your allegations do not support, the entire proceeding will be dismissed. 17 U.S.C. § 1506(f)(1)(B). In the alternative, you can delete any unsupported claim allegations in your second amended claim.

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 supplementary 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