



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0109

April 29, 2025

Nguyen Van The

CLAIMANT

v.

David Nguyen

RESPONDENT

FINDING OF BAD FAITH AND ORDER DISMISSING CLAIM

On March 27, 2025, Nguyen Van The (Claimant) filed this claim before the Copyright Claims Board (Board). The claim provided a clearly invalid United States mailing address with information that indicated that the respondent is not a United States resident, even though claims before the Board against respondents that do not reside in the United States are prohibited.

On that same day, the Board ordered Claimant to show cause why filing the claim in that form did not constitute bad-faith conduct under 37 C.F.R. § 232.3. The Order to Show Cause further ordered Claimant to file a response to that order by April 10, 2025, and to attend a virtual conference to explain the conduct described in the Order to Show Cause. No response to the order was filed. The only document filed by Claimant subsequent to the issuance of the Order to Show Cause was an “Amended Claim” filed 30 minutes after the Order to Show Cause was issued, and the Amended Claim did not address or resolve any issues raised in the Order to Show Cause. The Board sent Claimant, at the email address provided in the claim, a link to the virtual conference, which was scheduled for April 14, 2025, at 9:30 AM ET. The presiding Copyright Claims Officer waited 15 minutes after the scheduled time for the conference to begin but Claimant did not appear. Claimant did not notify the Board that he would not be attending or explain the absence thereafter. The Officer recorded a statement on the record and then concluded the conference.

The fact that Claimant submitted a claim with an obviously inaccurate address for a foreign respondent, despite the knowledge that claims against foreign entities are prohibited, has not been refuted. Claims “asserted against a person or entity residing outside the United States” are categorically “not subject to determination by the Copyright Claims Board.” 17 U.S.C. § 1504(d)(4). The eCCB online filing system specifically informs filers of this prohibition, and eCCB requires a United States address for respondents, including a United States state or district and zip code. When this claim was submitted through eCCB, a notice in the “Respondent” section of the claim form warned the filer that claims cannot be filed against respondents residing outside of the United States, and specified: “Anyone who evades this requirement will have their claim found noncompliant, lose their \$40 filing fee, and may be limited in the ability to file future claims.” Before submitting the claim, Claimant also certified under penalty of perjury that the information provided in the claim was accurate and truthful to the best of his knowledge. See 37 C.F.R. § 222.2(c)(12).

Nevertheless, the claim stated that the respondent's street address is in "Hanoi, CA." However, Hanoi is not in California. It is a city in Vietnam, as Claimant knows; Claimant's own address provided in the claim is in Hanoi, Vietnam. Nevertheless, Claimant entered Hanoi as the respondent's city, with a street address of "25 Tan Mai, Hoang Mai District, Ha Noi" (an actual address in Hanoi, Vietnam) but with a Los Angeles zip code, and selected the state code "CA" for California from the drop-down menu in the claim form. Entering the California address information for the respondent, despite the knowledge that the respondent's address is in Vietnam, means that the filer must have ignored the warnings on eCCB and entered those address details to avoid the technological barriers to entering a foreign address.

Therefore, the Board finds that the actions of Claimant in this proceeding constitute bad-faith conduct, as defined in the Board's regulations: "Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact. Such conduct includes any actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board, including before a proceeding becomes an active proceeding." 37 C.F.R. § 220.1(c). Under this standard, the Board has no difficulty in finding that Claimant did not have a reasonable basis in law or in fact to file a claim before the Board against a respondent residing outside the United States despite the clear warnings and technological barriers to deter such a filing.

In addition, on March 27, 2025, the Board issued an Order of Intention to Dismiss for Unsuitability, notifying Claimant that the Board had found the claim unsuitable for determination by the Board because it is raised against a foreign resident. 17 U.S.C. § 1504(d)(4). Claimant has not filed a request to reconsider the determination of unsuitability in the time allowed. 37 C.F.R. § 224.2(b)(2). Accordingly, the Board dismisses the claim and closes case 25-CCB-0109. 37 C.F.R. § 224.2(b)(3).

Copyright Claims Board