



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0142
July 17, 2024

Bahar Ceylan

CLAIMANT

v.

Ru Chun Jie

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **August 16, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); [37 C.F.R. § 224.1\(d\)](#).

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 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.

Respondent Information

Your amended claim has updated respondent information with “Ru Chun Jie” now listed as the respondent; however, the claim still lists Amazon’s mailing address. The claim must include each respondent’s mailing address. Your amended claim now appears to allege infringement against a third-party retailer. You should not amend your claim unless you are raising it against an individual or entity residing in the United States.

Online Service Provider

In response to questions on the claim form, you indicate that the respondent is an online service provider (“OSP”) and that your claim against the OSP is based on “their storage of or referral or linking to infringing material posted by others,” but that the respondent did not “fail to expeditiously remove or disable access to the material after you sent a takedown notice.” In this context, an “online service provider” is a provider of online

service 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.

Your infringement claim asserts that the respondent is an online service provider; that you are bringing the claim against the respondent “due to their storage of or referral or linking to infringing material posted by others”; and that it failed to expeditiously remove or disable access to infringing material after you sent the respondent a takedown notice as required by section 512 of the Copyright Act. However, your claim does not state facts in support of these assertions. Your claim does not provide enough information to establish the foundational issue that the respondent is an online service provider. Here, unlike your original claim against Amazon, your amended claim is against Ru Chun Jie, who appears to be the individual responsible for the allegedly infringing listing on Amazon. The claim provides no basis to conclude that Ru Chun Jie is an online service provider.

Your infringement claim cannot proceed unless you file an amended claim that either (1) removes the allegations that the respondent is an online service provider to whom you sent a section 512 takedown notice, or (2) states facts supporting allegations that would make the respondent liable as an online service provider, despite the Section 512 safe harbor. 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 is required for an infringement claim against an online service provider protected by a section 512 safe harbor.

Final Amendment

Your amended claim resolved none, of the compliance issues raised in the May 29, 2024, Order to Amend Noncompliant Claim. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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