



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0186
July 14, 2023

Shanelle Royster

CLAIMANT

v.

Kyle Richardson and Limited Ego, LLC

RESPONDENTS

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **August 14, 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 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 Ownership

Your claim provides incomplete information about the claimant's status as a legal or beneficial owner of the allegedly infringing work. To bring a copyright infringement claim before the Board, the claimant must be "the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement." 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has the exclusive license to use, the exclusive rights at issue.

In this proceeding, Siobhan Royster is listed as the claimant, while the registration record states that Supah92 is the author and claimant in a pseudonymous work, "Pothead." Royster is not listed as the author or copyright owner in the registration record, and the claim does not explain the relationship between Royster and Supah92. To

correct this issue, your amended claim must include an explanation about the relationship between Royster and Supah92 adequately enough to show that Siobhan Royster is a proper claimant.

Clarity – Infringing Activity

Your claim does not contain clear allegations about the allegedly infringing activities of both respondents, Kyle Richardson and Limited Ego, LLC. In your claim, you state that “Respondent used the artwork on various articles of clothing that he advertised for sale on instagram and on its website limitedego.com.” You also state that “[R]espondent sold an unknown amount of clothing containing Claimant’s artwork.” These allegations do not identify whether Richardson or Limited Ego engaged in these activities, and whether they acted together or apart. You include as supplemental documents screenshots of the limitedego Instagram account displaying photographs with the Pothead graphic appearing in them. While these provide additional context for your allegations, they do not provide clarity as to whether it was Richardson, Limited Ego, or both in concert who infringed your work.

In your amended claim, you should provide allegations that more fully explained what each respondent did to infringe your work. The claim must provide enough information to enable the respondents to understand the claim and respond to it. You should be as detailed as possible, setting forth what each respondent did in relation to the work you alleged was infringed. However, if you do not, for instance, have specific allegations as to why Kyle Richardson should be held individually liable for the alleged infringement, you should remove Richardson as a respondent in your 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 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