



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0229

August 8, 2024

Scott J. Aaronson

CLAIMANT

v.

Pixels.com, LLC

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim does not comply with a requirement of the CASE Act. The claim cannot move forward unless it is amended. If you wish to proceed with this claim, you must file an amended claim by **September 9, 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. 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 issue 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.

Relief Requested

You have raised a claim of copyright infringement before the Board. It appears that you are seeking a larger statutory damages award than the Board can grant.

The Board can grant only certain types of relief. If you seek damages for your infringement claim, you can seek either (1) actual damages and the profits of the infringer attributable to the infringement, or (2) statutory damages. Actual damages are money damages awarded based on the proven harm or loss you suffered. An example of actual damages may be the amount of lost sales revenue or licensing fees you experienced. An award can also include any additional profits the infringing respondent made from the infringement. Statutory damages are money damages awarded to a successful claimant within a range set by law, without the need to provide proof of the actual amount of harm or loss.

In the “Description of harm suffered and relief sought” section of your claim, you state that you are seeking up to \$30,000 in statutory damages. The most that respondents can be ordered to pay in damages (actual or statutory) in a Board proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). However, the maximum amount of statutory damages available from the Board is \$15,000 in a proceeding in which the infringed works were not timely registered. 17

U.S.C. § 1504(e)(1)(A)(ii)(II). A work is not timely registered if it was (1) unpublished and the copyright was registered after the infringement started, or (2) published and the copyright was registered after the infringement started and more than three months after the publication of the work. 17 U.S.C. § 412. More information about the available forms of relief can be found in the [Damages](#) chapter of the CCB Handbook, and on pages 6-7 of the [Starting an Infringement Claim](#) chapter.

You list 79 photographs in the “Works infringed” section of the claim, and you indicate that the Copyright Office registered those photographs with registration number V Au001499422. The Certificate of Registration lists the effective date of registration as April 20, 2023, and indicates that the photographs were unpublished at that time. You do not allege a publication of the photographs before the infringement began. You assert that the infringement commenced in June 2022. Documents filed with the claim appear to be cease-and desist letters that you addressed to the respondent, dated June 2022 and July 2022 and updated in April 2023, before the copyright registration was effective. Based on those stated facts, it appears that the copyright for the photographs was registered after the alleged infringement commenced, so your request for \$30,000 in statutory damages does not appear to be permissible. If the respondent began to infringe each of the 79 photographs before April 20, 2023, the Board may not award you more than \$15,000 in statutory damages in this proceeding.

You are not required to choose between actual or statutory damages at this point. 17 U.S.C. § 1504(e)(1)(B). You are not required to request damages at all. *Id.* § 1504(c)(1) & (e)(1)(B)(ii). If you file an amended claim, you may include a request for damages without giving a specific amount. You may also state that you have not decided at this point and/or are seeking the maximum amount available, whether that ends up being actual or statutory damages. However, if you give a dollar figure for statutory damages, you will need to limit any request for statutory damages to an amount the Board can grant.

That amount cannot be more than \$15,000, if the infringement of each photograph began before the copyright registration became effective on April 20, 2023. However, that amount may be up to \$30,000 if your amended claim includes facts that indicate that some of the photographs were timely registered, for example, if they were first infringed after that date.

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