



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0157
June 3, 2024

Sunghee Park

CLAIMANT

v.

Amazon.com Inc.

RESPONDENT

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 **July 3, 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 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.

Online Service Provider

Your infringement claim asserts that the respondent Amazon.com Inc. (“Amazon”) is an online service provider (OSP); that you are bringing the claim against Amazon “due to their storage of or referral or linking to infringing material posted by others”; and that Amazon failed to “expeditiously remove or disable access” to infringing material after you sent a takedown notice to Amazon as required by section 512 of the Copyright Act. However, supplemental documents filed with the claim appear to contradict those allegations.

“Safe harbors” in section 512 shield certain OSPs from paying damages for copyright infringement claims if, among other things, the OSPs take steps to quickly remove or disable access to infringing material when a copyright owner notifies them about the infringement through a proper takedown notice. In an infringement claim against an OSP that is eligible for a section 512 safe harbor, the claimant must state facts that indicate that the OSP did not follow the procedures described in section 512. 17 U.S.C. § 1506(f)(1)(C). Your claim does not provide enough information about Amazon’s activities to overcome the safe harbor provisions.

You allege that an Amazon seller has distributed infringing copies of your artwork on Amazon’s website. (It appears that the seller resides outside of the United States, in which case the Board could not hear a claim against the seller. 17 U.S.C. § 1506(d)(4).) A section 512 safe harbor would protect Amazon’s act of storing the allegedly infringing work on its website, if it expeditiously removed the work upon receiving your takedown notice, unless Amazon knew beforehand that the work was infringing, or Amazon was aware of facts or circumstances that made the infringement apparent. 17 U.S.C. §§ 512(c)(1)(C). A supplemental document filed with the claim, labeled [1 InitialClaimToAmazon.pdf](#), indicates that you notified Amazon of the alleged infringement on or shortly before May 21, 2024, at 4:58 AM. Another document, labeled [2 ResponseFromAmazon.pdf](#), indicates that barely an hour later, by 6:00 AM the same day, Amazon removed the allegedly infringing material from its website. Your claim does not provide enough information to indicate that Amazon (1) did not act promptly to comply with your takedown notice, (2) knew of the infringement earlier, or (3) was aware of other facts or circumstances that made the infringing activity apparent. As a result, you have not stated facts supporting allegations that would make Amazon liable as an OSP, despite the section 512 safe harbor.

Alternatively, to the extent that you want to allege that Amazon *directly* infringed your copyright, your claim does not describe any infringing activity by Amazon. While you allege that the work was infringed by a seller’s listing on a particular Amazon page, your claim does not present facts that clearly state how Amazon, rather than a third-party seller, engaged in that infringing activity.

If you file an amended infringement claim, it must include more information about how Amazon engaged in infringing activity. If your claim is based upon its alleged activity as an OSP—storing, making available, referring to, providing access to, or linking to material posted by other persons that is available online—you will have to state facts in support of that allegation that would make Amazon liable as an OSP, despite the section 512 safe harbor provisions, because of a failure to expeditiously remove or disable access to the infringing material after you sent a takedown notice, as well as details related to the underlying alleged infringement. 17 U.S.C. § 1506(f)(1)(C). Please visit the section 512 page at copyright.gov 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 to bring an infringement claim against an OSP under section 512.

If, on the other hand, your amended claim is not based on Amazon acting as an OSP, you must state facts that identify how Amazon engaged in infringing activity (such as copying, distributing, or performing your work) on its own, rather than on the basis of infringing material posted on its website by a third-party Amazon seller.

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