



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0193  
June 12, 2025

Roy Philipose

CLAIMANT

v.

Lolcow LLC c/o Matthew Hardin, Esq.

RESPONDENT

## ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 14, 2025**. 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.

### Contact Information

A claim filed before the Board must include the claimant's phone number or, if an attorney or other representative is representing the claimant in the proceeding, the authorized representative's phone number. 37 C.F.R. §§ 222.2(c)(3)-(4). Providing that information facilitates communication with the Board and between the parties. In the "Claimant" section of the claim, you list 000-000-0000 instead of your phone number.

To address this issue, you must include your actual phone number in the "Claimant" section of an amended claim, or if you have a good reason for not providing it, you may request permission not to provide the phone number in your amended claim. If you think you have a good reason not to include your phone number when filing the amended claim, you must also file a separate request that explains why you do not want to include your phone number in your amended claim form and shows good cause why you should be permitted to file the amended claim without it. If the Board grants such a request however, you must provide the number to the Board so that it has the ability to contact you by phone.

### Proper Respondent

Your copyright infringement claim does not include enough information or clarity about any allegedly infringing

acts committed specifically by the named respondent Lolcow LLC (Lolcow). You allege infringement of a motion picture or audiovisual work titled “Music Performance by Roy Philipose” that you describe as a “personal music video” (“Work”). You allege that infringing acts occurred on the KiwiFarms website, where your Work was posted by a KiwiFarms user with the username “ronic.”

However, your claim does not state or show how KiwiFarms or any named KiwiFarms user has any relationship with Lolcow. No allegations describe Lolcow committing an infringing act. You mention Lolcow only in the section of the claim naming the respondent. As a result, the claim does not make clear why Lolcow is a proper respondent. If you file an amended claim, it must include facts that indicate how the named respondent Lolcow is responsible for the alleged infringement of your Work, including a description of any relationship between Lolcow and KiwiFarms.

### **Infringing Activity**

Your claim also does not show a basis for raising a claim against Lolcow, or anyone other than the KiwiFarms user with the username “ronic,” for acts infringing your copyright. Your allegations describe infringing activity by “ronic,” a third party not listed as a respondent to the claim, who used KiwiFarms to post your video. By contrast, you do not describe any activity where Lolcow used your Work in a way that would violate any of your exclusive rights as a copyright owner. Contentions that a third party used the KiwiFarms website to commit infringement, without more, would not make Lolcow liable for infringement. If you file an amended infringement claim, you must include clear allegations that describe what the respondent’s infringing acts were, such as copying, distributing, or performing your Work.

### **Online Service Provider**

You allege that you sent KiwiFarms Legal a takedown notice and that “the request was declined.” However, the only named respondent is Lolcow, and other allegations in your claim appear contrary to any claim of infringement against KiwiFarms.

“Safe harbor” requirements in section 512 of the Copyright Act shield certain online service providers (“OSPs”) from paying damages for copyright infringement claims if, among other things, they take steps to quickly remove or disable access to infringing material when a copyright owner notifies them about infringement through a proper takedown notice. In this context, an OSP is a provider of online services to store (and make available), refer to, provide access to, or link to material that is available online. OSPs include content-sharing websites and internet search engines, among other services. An infringement claim against an OSP eligible for a section 512 safe harbor cannot be compliant unless you affirm that you sent the OSP a section 512 notice of infringement, and that it “failed to remove or disable access to the material expeditiously upon the provision of such notice.” 17 U.S.C. § 1506(f)(1)(C)(i), 37 C.F.R. § 222.2(c)(7)(iii)(G). Your claim indicates that you sent a takedown notice related to your Work posted on KiwiFarms. However, in response to a question in the claim form, you state that you are not bringing the claim against an OSP.

To proceed against an OSP, your amended claim must describe how it actually engaged in infringing activities, or state facts supporting allegations that would make it liable as an OSP, despite the Section 512 safe harbors, because it failed to expeditiously remove or disable access to the infringing material after you sent a takedown notice to the OSP; and answer “Yes” to the questions in the claim form about the respondent’s activity as an OSP. More information about the requirements for an infringement claim against an OSP is available at pages 20-22 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

## Other Filings

After filing the claim, you also filed documents labeled “Filing Delay” (Dkt. 2), “Addendum to Relief Sought” (Dkt. 3), and “Addendum and Correction” (Dkt. 4). These subsequent filings are not considered part of the claim and did not serve to amend the claim. *See* Dkt. 5. You may choose to include matters stated in those filings in an amended claim; however, even if those matters had been included in the claim, it would not have affected the noncompliance issues discussed above. For future reference, information about requesting permission to amend a claim during the compliance review stage is available in the [Other Issues in Proceedings](#) chapter of the CCB Handbook.

In addition, the “Addendum to Relief Sought” appears to raise requests for relief from third parties, for instance: “Prevent further copyright abuse *by others*” and “Removal of any archived content hosted *on other sites*” (emphasis added). The Board cannot grant any relief from non-parties, so you should not include such requests in an amended claim. Even in a claim against KiwiFarms, the Board could not order it to remove any content from the site unless it notified the Board that it would remove the content if found liable for infringement. (Respondents may decide to agree to stop or modify their infringing activity because, if they are found liable, the Board may consider that agreement when it decides how much to award as damages.) Information about the forms of relief that the Board can grant is available in the [Damages](#) chapter of the CCB Handbook.

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](mailto: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 Board