



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0096
May 31, 2023

VideoHat LLC

CLAIMANT

v.

ESPN

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

On April 24, 2023, the Copyright Claims Board received claimant's email stating that it had "recached an agreement with ESPN regarding this case." Claimant submitted an amended claim the next day, April 25, 2023. Board staff provided claimant with directions on how to file a Notice of Settlement and Joint Request for Dismissal ("Notice") on April 26, 2023. On May 17, 2023, staff informed claimant that the Board would resume proceedings if a Notice was not filed by May 22, 2023. No Notice has been filed, so the amended claim has been reviewed for compliance. The 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 **June 30, 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. 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.

As an alternative, if you still wish to file a Notice of Settlement and Joint Request for Dismissal, instructions on doing so can be found at the end of this order.

Copyright Registration

A copyright infringement claim before the Board must include the registration number and effective date of registration of the allegedly infringed work, if it has been registered. 37 C.F.R. § 222.2(c)(7)(ii)(C). Your amended claim lists the service request number for the application to register the copyright. However, the Copyright Office has approved that application and registered the work. If you submit a second amended claim, please change the

“Works infringed” section to make clear that the work has been registered and include the registration number, PA 2-402-583, and effective date of registration, February 28, 2023.

Author

An infringement claim must name the allegedly infringed work’s author. 37 C.F.R. § 222.2(c)(7)(ii)(B). The amended claim names Youssef Kabour as the author, and a [supplemental document](#) filed with the amended claim appears to be a copy of a licensing agreement granting rights from Youssef Kabour to the claimant. However, the registration certificate for the work lists the author as Youssef Abr Bakr, not Youssef Kabour. To correct this issue you must, in a second amended claim, state facts that clarify the relationship between the author named in the registration and the licensing party named as an author in the amended claim. For example, if they are the same person, the claim must say so and explain the discrepancy.

Supplemental Documents

The day before you filed the amended claim, you uploaded three filings that seem to include additional information. These filings might cure the “Author” issue noted above, but separate filings are not reviewed by the Board or considered a part of your claim unless you upload them with the claim. Therefore, you should file any documents you wish the Board to consider as part of your second amended claim as a supplemental document with your second amended claim filing using the instructions below.

The Board also notes that you designated those three filings as “private.” This is not appropriate. Any supplemental documents that you upload with the second amended claim will be viewable by the public, so when you file them, you should choose the “public” option. If filings or documents are inappropriately labeled as “private,” they may be changed to “public” by the Board.

Final Amendment

You have not resolved the compliance issues raised in the March 28, 2023 Order to Amend Noncompliant Claim., and your amended claim and other filings raise additional issues that you must address. **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.”**

Alternatively, if you have reached a settlement with the respondent, to submit a Notice of Settlement and Joint Request for Dismissal, log into your eCCB account and take the following steps:

1. Click the **“File in existing case”** button, select your docket number from the drop-down list, and click **“Continue.”**
2. In the **“Document type”** field, select “Notice of Settlement and Joint Request for Dismissal” from the drop-down list.
3. In the **“Party names”** field, select the name of your party.
4. In the **“Document access”** field, select “Public.”
5. In the **“Document title”** field, enter the title of the document: Notice of Settlement and Joint Request for Dismissal.
6. Select a document from your files that states that the parties wish to dismiss the claim due to settlement, and click **“Upload.”**

Finally, if you do not wish to submit a file a Notice of Settlement and Joint Request for Dismissal, but wish to withdraw your claims, you may file instead a Request for Dismissal by taking the same steps, but selecting “Request for Dismissal” in the “Document type” field.

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.