



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0051

United States Copyright Claims Board

Christina Wong

CLAIMANT

v.

Miracle Simon and Ebenezer Obasi

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 **September 28, 2022**. 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 extra 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.

Copyright Infringement Claim – Foreign Respondents

The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). In your claim, you left the respondent addresses blank, but then state that they are located in Nigeria, which indicates that the Board cannot hear the claim. To address this issue, your amended claim may only be asserted against individuals or entities residing within the United States. You should only amend your claim if you are raising it against U.S. residents.

Copyright Infringement Claim – Unrelated Respondents

The Board can only hear claims asserted against multiple respondents if all claims in the proceeding “arise out of the same allegedly infringing activity or continuous course of infringing activities[.]” 17 U.S.C. § 1504(c)(6). In your claim, you allege that two different respondents made your work available online on two separate websites, and that after you issued DMCA takedown notices, each respondent issued a counter-notice that cited different grounds to justify their uses. To address this issue, your amended claim must either be raised against only one respondent, or must include facts that indicate that the respondents jointly engaged in the same allegedly infringing activities or a continuous course of infringing activities.

Copyright Infringement Claim – Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). In your claim, you state that the work is not registered and you do not provide a service request number for a pending application. To address this issue, in your amended claim, please provide the registration number for the work or the service request number for the application to register the work.

Either the registration must have been issued or the application must have been delivered to the Copyright Office before you filed your claim on July 12, 2022. If your work was neither registered nor subject to a pending application at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement Claim – Legal or Beneficial Ownership

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 for which the claimant seeks damages, if any [.]” 17 U.S.C. § 1504(c)(1). Your claim identifies Stina’s Pen as the author of the allegedly infringed work, without clearly identifying the relationship between Stina’s Pen and Christina Wong, who raised the claim. If you file an amended claim or a new claim, you must add facts to the “Describe the infringement” section explaining how the claimant was the owner of exclusive rights in the work at the time of the infringement. For example, if Stina’s Pen is an alias of Christina Wong, she would be an appropriate claimant.

Copyright Infringement Claim – Relief Sought

Your description in the “Describe the harm suffered and the relief sought” field includes: “Relief sought: court order to compel the removal of infringing material.” That is not relief that the Board can order.

The Board is only authorized to grant certain kinds of relief. Unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an “injunction”) unless the respondent notifies the Board that, if found liable for infringement, they will stop or modify the activity. (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.) While you can state in your claim that you would like the respondents to agree to stop or modify their activities, you cannot demand it as part of your claim.

If you seek damages in an infringement claim, you can seek either (1) actual damages, and the respondent’s profits attributable to the infringement, or (2) statutory damages, but not both—although you do not need to choose between the two at this time. 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 you experienced. 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 addition to describing the nature of the harm that you suffered due to the infringement, your claim must include at least a general statement about the kind of relief you are seeking. Please review the discussions at pages 6 and 15 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook, and under the “What” tab on the [Claimant Information](#) page of [ccb.gov](#), for more information about the kinds of relief that the CCB can grant.

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 any necessary edits on the “**Respondent**” page and the “**Infringement**” page.
4. If your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page.
5. 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.
6. 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. You may also refer to the [Compliance Review](#) chapter of the Copyright Claims Board Handbook for more assistance.

Copyright Claims Attorney

August 29, 2022