



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0230  
September 11, 2024

Globalinkit LLC, Juliana Benavides Perez

CLAIMANT

v.

Nikken

RESPONDENT

## SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **October 11, 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. 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.

### Noninfringement Claim — Clarity

A claim for a declaration of noninfringement asks the Board to find that your actions do not amount to an infringement of the respondent's copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe. The claim must identify the party that accused you of infringement and must describe your allegedly infringing activity, the reasons why you believe no infringement occurred, and the reasons why you believe there is an actual controversy about the requested declaration. 37 C.F.R. §§ 222.2(c)(8)(i) & (iii)-(v). Your noninfringement claim does not clearly state facts that meet those requirements.

If you file another amended claim, it must specifically describe an actual dispute between you and the respondent over whether your activities infringed the respondent's **copyright**, and why you believe that you did not infringe. You must provide enough information in your claim for the respondent to understand the claim and

respond to it.

### **Allegedly Infringing Activity**

Your claim does not indicate that you have a copyright dispute. In your amended claim, you have included the message you received from amazon describing the allegedly infringing activity. That message describes a “Counterfeit” complaint. A counterfeit is an item that uses someone else's intellectual property without their permission. However, the message does not specify if the intellectual property at issue is related to copyright. Additionally, your amended claim describes the allegedly infringing activity as: “the protected *trademark* term of another rights owner.” (emphasis added). The Board is only authorized to resolve copyright disputes.

If you file another amended claim, it must specifically describe a *copyright* dispute between you and the respondent over whether your activities infringed the respondent’s copyright—that is that the respondent has accused you of copyright infringement—and why you believe that you did not infringe their copyright rights. For additional information about what is and is not protected by copyright, please review [Copyright Basics](#) and [Works Not Protected by Copyright](#).

### **Proper Claimant**

As mentioned in the Board’s August 8, 2024, Order to Amend Noncompliant Claim, your claim names two claimants, Globalinkit LLC and Juliana Benavides Perez. In a noninfringement claim, each claimant must show that the respondent has accused them of infringing their copyright or asserted that each claimant’s planned actions will infringe their copyright.

Your amended claim does not seem to meet those requirements for each of the named claimants. In your claim you state that “Nikken's representative claims that...my store infringes on the intellectual property of Nikken.” However, it is unclear whether “my” is referring to claimant Juliana Benavides Perez or to claimant Globalinkit LLC. As noted above, your claim does not detail how the claimants are accused of copyright infringement.

If you file another amended claim that names both claimant Juliana Benavides Perez and claimant Globalinkit LLC as claimants, it must include allegations that indicate why each of the named claimants has been separately accused of copyright infringement. If you list both claimants, the claim must specify how Globalinkit LLC *and* Juliana Benavides Perez were both accused of copyright infringement by the respondent. An LLC is a separate entity from an owner or employee of that entity, although an individual may also be liable for or accused of infringement. If a claimant has not individually been accused of infringement, they should be omitted from the claim.

Information about what to include in the claim is available in the [Starting an Noninfringement Claim](#) chapter of the CCB Handbook.

### **Final Amendment**

Your amended claim resolved none, of the compliance issues raised in the August 8, 2024, Order to Amend Noncompliant Claim. **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.**”

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