



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0013

January 24, 2025

John Saade

CLAIMANT

v.

Amazon Inc.

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 **February 24, 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. More information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Copyright Registration

You have raised a claim of copyright infringement against Amazon Inc. (Amazon). You allege infringement of two works of visual art: word clouds in the shape of chess pieces (a king and a knight, respectively) that “fill in the body of the chess piece with words related to the principles of chess.” For the king-shaped work, titled “Chesssaveslives,” the Copyright Office registration number that you provide in the “Works infringed” section of the claim is missing a digit. If you file an amended claim, edit that section to include the complete registration number, VA0002376633.

Access

Your claim does not provide facts about how Amazon had access to your works. “Access” means a reasonable opportunity to view or copy your works before the alleged infringement took place.

In the “Describe the infringement” section of the claim, you state that you conceived of a design for a chess T-shirt in February 2021, hired someone via Fiverr to compose the design in March 2021, and launched a campaign in April 2021 on Bonfire, a T-shirt selling platform. Your claim does not indicate if the campaign included T-shirts of

the king design, the knight design, or both. It is not clear when you began to make each work available on Bonfire, or whether and when they were available elsewhere. You also allege: “In early July of 2022, I found that Amazon was selling my design[.]” You do not indicate which of the two works you claim Amazon was selling at that time, or at any later time. As a result, you do not present enough information about where or how your works were available before the alleged infringement so that Amazon had an opportunity to see them. To the extent that your claim is really against a third-party seller that posted infringing material on Amazon, you do not clearly indicate who they are, do not list them as a respondent, and do not say how they obtained access to your works.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your works (a) were sent directly to Amazon or a close associate of Amazon; (b) were widely disseminated or were available to Amazon; or (c) are so strikingly similar to the works displayed on Amazon that Amazon could not have created them independently. To the extent you add or change respondents, you will still need to provide that information for each respondent in the amended claim.

Alternatively, you can upload copies of your works and the allegedly infringing work if those images demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your works and the allegedly infringing works on Amazon. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your works and the allegedly infringing works are similar.

You state that T-shirts listed for sale on Amazon have infringed “my design,” but you do not provide information that describes or shows how those T-shirts were identical or substantially similar to either of your works. In addition, you have not provided a copy of your work or the allegedly infringed work as supplemental documents. As a result, you do not provide enough information to enable the Board to evaluate the claim.

You allege: “In September of 2023, I sent Amazon another email informing them of what I believed to be an infringement on my design. In their email reply, they agreed that they had been infringing and stated that they would remove the inventory.” A document filed with the claim labeled “Timeline for Chess Cloud Tshirt.docx” (Timeline) includes the text of that Amazon’s reply email, dated September 11, 2023, which stated: “We reviewed your report and removed the infringing content. We are in the process of removing the associated inventory[.]” While it appears that Amazon considered the listing that you reported in September 2023 to be infringing, you do not provide enough information about similarities between that listing and either of your works, and you have not identified which of your two works was at issue at that time.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, then as stated above, they must be clearly labeled and identified so they can be properly compared to each other.

Online Service Provider

In response to questions in the claim form, you assert that you are bringing the claim against an online service provider (OSP) “due to their storage of or referral or linking to infringing material posted by others”; and that the OSP failed to expeditiously remove or disable access to the infringing material after you sent the OSP “a ‘takedown notice’ as required by section 512 of the Copyright Act.” Your claim does not provide enough information to support 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. To avoid liability, OSPs must follow procedures specified in section 512 when they receive takedown notices alleging infringement, and counter-notices seeking the re-posting of the allegedly infringing material. An infringement claim against an OSP that is eligible for a section 512 safe harbor must state facts that indicate that the OSP did not follow those procedures. Please visit the [section 512](#) page and the discussion at pages 20-22 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook for information about what section 512 of the Copyright Act requires for an infringement claim against an OSP.

Your infringement claim does not provide enough information about Amazon’s activities to overcome the safe harbor provisions. The Timeline document indicates that you sent takedown notices to Amazon in 2022, 2023, and 2024. It is not apparent that Amazon failed to “expeditiously” comply with any of those notices.

- The Timeline document includes the text of Amazon’s July 12, 2022 reply to your July 2022 takedown notice. Amazon declined to remove the allegedly infringing listing because, it said, “[t]he description of your copyrighted work does not match the content you reported as infringing.” Your claim does not present facts that indicate that your takedown notice showed Amazon that the allegedly infringing 2022 listing was similar enough to either of your works that Amazon would have been required to remove it.
- It appears that Amazon complied with your September 2023 takedown notice, which concerned a different Amazon listing. The Timeline document includes the text of Amazon’s September 11, 2023 reply, which stated that it had “removed the infringing content” from the online listing. Amazon also stated that it was “in the process of removing the associated inventory,” and you allege that Amazon has not yet removed that inventory. However, even if Amazon’s inventory included infringing works, simply holding those works in inventory (without, for example, copying, distributing, or publicly

displaying them) would not be an infringing act. Your claim does not present facts that indicate that any activity by Amazon in 2023 was out of step with the safe harbor provisions of section 512.

- It is not clear that your 2024 takedown notice related to any infringing material on Amazon. Instead, your Timeline document seems to describe you discovering that a different “website called UBUY” was displaying “a King tshirt that *used to be sold by Amazon*” (emphasis added). You state that you reported the alleged infringement to both Amazon and UBUY on or about August 23, 2024, but you do not present facts that indicate that you asked Amazon to remove any infringing material listed on its own website, or that Amazon had or has any ability to remove any material from UBUY’s website.

To address this issue in an amended claim, you must present additional facts that support your contention that Amazon did not remove or disable access to an allegedly infringing listing (that Amazon was storing, referring to, or linking to) expeditiously after receiving a takedown notice about that listing. You must include more factual details and information about your takedown notices and Amazon’s actions in response. You may also upload copies or screenshots of your email communications with Amazon as supplemental documents with your amended claim, not just the quotes from Amazon’s responses that are in your Timeline document, if they will clarify the facts of the alleged infringements. Your amended claim should clearly state or show, for each allegedly infringing Amazon listing, which of your works you claim was infringed.

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.

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