



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0132

June 16, 2025

Keith F. Bell

CLAIMANT

v.

Adelphi University

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 **July 16, 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. 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.

Proper Respondent

Your claim does not include enough information or clarity about the allegedly infringing acts committed specifically by the respondent, Adelphi University. As mentioned in the Board's April 29, 2025, Order to Amend Noncompliant Claim, your claim must include "specific allegations about how **the respondent** took actions to distribute or publicly display the work."

In your amended claim you state that the allegedly infringing post was made by Carlos Acevedo who was employed by Adelphi University as their Women's Basketball Coach and Recruiting Coordinator. You further allege that "Respondent is responsible for the actions of its employees and Respondent had the right and ability to supervise Respondent's employees' activities. Further, by publishing Claimant's motivational IP and distributing it through Respondent's Recruiting Coordinator's social media account Respondent enhances Respondent's and/or its employees, reputations and services from which Respondent derives financial benefit." You present no reason

as to how respondent directed these actions or how they were done on respondent's behalf. By making a blanket statement effectively saying that Adelphi University is always responsible for the actions of Carlos Acevedo, even for actions on his personal social media account, it appears that you are alleging that Adelphi University is vicariously liable for the infringement of Carlos Acevedo. As further described below, in order to bring a claim based on vicarious liability you will need to include additional allegations about how the respondent actually had the ability to control these actions of Carlos Acevedo and how the respondent derived direct financial gain from the allegedly infringing post.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display the work, and to make a "derivative work," which is a work based on the original work. Someone who does one of those activities without the copyright owner's permission may be infringing the copyright, unless they have a legitimate defense. A copyright infringement claim may be raised against a "secondary infringer" who does not engage in any infringing acts directly, but profits from or facilitates acts of direct infringement by others. To support a claim of secondary infringement, you must provide additional facts about how the respondent acted with relation to these third-party activities. Specifically, a claim based on vicarious liability must state facts that indicate that the respondent had the right and the ability to supervise or control a third party's infringing activity and that the respondent received a *direct financial benefit* from the infringement.

To address this issue, your second amended claim must include facts in the "Describe the infringement" section that specify (1) how the respondent supervised or controlled the allegedly infringing activity and (2) how the respondent received a direct financial benefit from the alleged infringement. You should only amend your claim if you can explain how the individual respondent's activities meet the requirements of either vicarious liability set forth above. You should be as detailed as possible, setting forth what the respondent did, and the benefit gained in relation to the work you allege was infringed.

Final Amendment

Your amended claim resolved none, of the compliance issues raised in the April 29, 2025, 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. 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