



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0272

September 13, 2023

CHD Design Groups inc, ERIC LIN

CLAIMANT

v.

Xuan Zheng

RESPONDENT

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 **October 13, 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. 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.

Respondent Clarity

Your allegations are unclear because they do not link the individual respondent, Xuan Zheng, to the allegedly infringing works or activities. In your claim, you provide supplementary documents that show the allegedly infringing architectural works. These plans list “HYC Consulting Engineers” (HYC Consulting) in the title block and do not mention Xuan Zheng. These supplementary documents indicate that HYC Consulting may be the proper respondent. When you submit an amended claim, you must clarify what activities the respondent, Xuan Zheng, engaged in and whether it was acting on behalf of HYC Consulting when it engaged in those activities.

If you include HYC Consulting as a respondent in your amended claim, you should still clarify the actions taken by Xuan Zheng (unless you replace Xuan Zheng with HYC Consulting). Please note that if you include HYC Consulting Engineers as a respondent, your claim must make enough factual allegations to support each “element” of copyright infringement, including how HYC Consulting obtained access to your work. 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.

Legal or Beneficial Ownership

Your claim provides incomplete information about the claimant's status as a legal or beneficial owner of the allegedly infringing work. 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." 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has the exclusive license to use, the exclusive rights at issue.

In this proceeding, Eric Lin and CHD Design Groups Inc. are both listed as claimants, while the registration record states that CHD International d.b.a. CHD Design Groups Inc. (CHD International or CHD) holds the copyright registration and is the author of the work as an employer for hire. Lin is not listed as the author or copyright owner in the registration record. If you file an amended claim, you will need to explain how Lin is the legal or beneficial owner of the work. Alternatively, if CHD International is the sole legal or beneficial owner, the claim should be amended to remove Eric Lin as a proper claimant.

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.

Copyright Claims Attorney