



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0274
September 26, 2023

Craftsman Book Company of America, Inc

CLAIMANT

v.

Robert W Estell, Jr, AZ TEXTS LLC,
'EXAM PROS LLC, Kiryl Zaubau

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 26, 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.

Copyright Infringement – Respondent Clarity

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). Your claim does not state how the activities of each respondent infringed the works. Specifically, the amended claim must (1) make clear what each respondent did and provide information about the relationship between Kiryl Zaubau and AZ Text LLC, on the one hand, and Robert W Estell, Jr and Exam Pros LLC, on the other hand. Your amended claim also must include facts in the “Describe the infringement” section that detail what infringing activities each respondent engaged in. You should be as detailed as possible, setting forth what the respondent did in relation to the work you allege was infringed. Lastly, the amended claim must also detail the relationship between the individuals and entities listed and include facts that indicate that all respondents jointly engaged in the same allegedly infringing activities-and state how they acted together in the same course of conduct. If not all of the respondents did act together, you should remove those who did not act with the others from the claim.

Misrepresentation – Respondent Clarity

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17

U.S.C. § 512(f). Your claim must make enough factual allegations to support each “element” of the claim. The elements of a misrepresentation claim are that:

1. The respondent sent an online service provider either
 - a. a takedown notice claiming online content or activity was infringing, or
 - b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider’s decision to take down or repost the content,
5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). Your claim is not compliant because it provides conflicting information about which entity or individual made a misrepresentation in a counter-notice to an online service provider. A misrepresentation claim must allege a misrepresentation made by the respondent or respondents. In the claim, you state that “Kiryl Zambau and AZ Text LLC” sent the counter-notice; however, in “the description of harm suffered and relief sought” section of the claim you allege the involvement of Rob Estelle and Exam Pros LLC. It is unclear what, if anything, Estelle and Exam Pros LLC did in connection with the misrepresentations to the online service provider. In your amended claim, you must include factual allegations that explain in what way each named respondent made or was involved in a misrepresentation. More information about the elements required to assert a claim of misrepresentation is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook.

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