



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0020
January 30, 2025

Wade Dadant

CLAIMANT

v.

Scott Hochstetter,
YouTube LLC c/o Google LLC

RESPONDENTS

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 **March 3, 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.

Proper Respondent—YouTube, LLC c/o Google LLC

Your claim does not show a basis for raising a claim against YouTube for acts infringing your copyright. Your allegations describe infringing activity by Scott Hochstetter who used YouTube as an online service provider (OSP) to post the video. However, you answered “no,” as to the question of whether you were trying to hold YouTube liable due to their storage of or referral or linking to infringing material posted by others. That means that you are attempting to hold YouTube liable for their own infringing actions. However, you do not describe any activity where YouTube used your work in a way that would violate any of your exclusive rights. Contentions that third parties used YouTube to commit infringement, without more, would not make YouTube directly liable for infringement.

All of the allegations about YouTube’s involvement in the claim appear to be related to the takedown and counternotice procedure. As described below, special rules apply to infringement claims brought against online service providers if your claim is not because they infringed your work directly, but because they stored, referred to, or linked to infringing material posted by others. In many cases, online service providers are not liable for such claims because of protections in the copyright law under section 512 of the Copyright Act.

Allegations in your claim indicate that YouTube cannot be liable for damages for the alleged third-party infringements because it complied with the “safe harbor” requirements in section 512 of the Copyright Act. “Safe harbors” in section 512 of the Copyright Act shield certain online service providers from paying damages for copyright infringement claims if, among other things, the online service providers 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, online service providers must follow procedures specified in section 512 when they receive takedown notices alleging infringement, and counter-notices seeking the reposting of the allegedly infringing material. If the respondent is operating as an online service provider, then under the CASE Act, the claim cannot be compliant unless you affirm that you sent the online service provider a section 512 notice of infringement, and that it “failed to remove or disable access to the material expeditiously upon the provision of such notice.” 17 U.S.C. § 1506(f)(1)(C)(i).

To address this issue in an amended claim, you must state facts that allege that YouTube is (1) engaging in infringing activity on its own, not on the basis of infringing material posted on its website by others (that is, not in the capacity of an online service provider), or (2) failing to follow the safe harbor procedures for an online service provider (and answering the appropriate questions “yes”). If you cannot allege that YouTube is engaging in infringing activities or failed to follow the safe harbor procedure, then you should remove YouTube as a respondent.

Please visit the section 512 page and the discussion at pages 18- 19 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information about what is required for an infringement claim against an online service provider protected by a section 512 safe harbor.

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 Board