



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0086

March 14, 2025

Roman Latkovic

CLAIMANT

v.

Amazon.com Services LLC, Goodreads, Inc.

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 **April 14, 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.

Copyright Infringement Claim — Infringing Activity

Your claim does not present enough facts to clearly state how the respondent used any exclusive rights you have in the allegedly infringed work without permission. 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. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

In your claim you state:

“Amazon.com is allowing third-party sellers to list and sell Tycho Brahe Secret and Jung’s Demon even though I have unpublished these titles from Kindle Direct Publishing (KDP). These listings mislead consumers into thinking these books are still commercially available under my authorization, which is false.”

This, along with other language in your claim, suggests that you believe that you can decide that you do not want third-parties to resell physical copies of your books. That is not correct as the “first sale” doctrine allows someone

who has legitimately purchased one of your books to resell that physical copy without your permission. 17 U.S.C. § 109(a) (“the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord”). Other allegations in the claim, including that Amazon responded to your takedown notice by stating “[t]hird-party sellers are permitted to resell copies they have legally acquired” indicate that the sellers on Amazon are reselling physical copies of the works, not digital ones. In your claim you have also included a [supplementary document](#), in which you vaguely list, as one of various possible reasons for having Amazon takedown the sales of your books, that “some of these listings may be unauthorized reproductions (pirated copies, AI generated listings, or counterfeit print runs).” However, a statement that they might be counterfeits is unsupported: without additional evidence showing that the works Amazon is selling are counterfeits, this claim cannot proceed.

As such, these allegations do not appear to describe any infringing activity, and do not offer enough detail about the respondent using your works in a way that would infringe any exclusive rights. If you submit an amended claim, you must more fully explain how the respondent infringed your allegedly infringed works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what each respondent did in relation to the work you allege was infringed.

Misrepresentation Claim—No Misrepresentation

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider related to a copyright-protected work posted online. 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 does not provide enough information about how the

respondent made a misrepresentation in a takedown notice or counter-notice to an online service provider.

In your claim you allege that you sent DMCA notices to the respondents, but you do not state that any counter-notices were sent by the respondents. In the section of the claim form that asks you to provide the words of the misrepresentation and explain why it was false, you state: “Amazon falsely claimed: ‘Third-party sellers are permitted to resell copies they have legally acquired [w]e cannot remove these legitimate secondary market listings.’” Your further state that “Goodreads falsely claimed: ‘We do not remove listings of books that were once validly published.’” Your allegations about the alleged misrepresentation do not identify the sort of misrepresentation that could violate section 512(f) because they do not concern false statements that were made in a takedown notice or counternotice, and they do not concern false statements made by the respondent *to* (not by) an online service provider.

You should only file a misrepresentation claim if you believe you actually have a claim under section 512 that could be heard by the CCB. If you submit an amended claim for misrepresentation, you must state facts in support of each element of the claim. The amended claim should identify a counter-notice sent by a respondent to an online service provider, which both contains false statements made by the respondents and upon which the online service provider relied. You must identify those false or incorrect statements of fact made in the notice and show or explain why the statement was false or incorrect. Please review the [Starting a Misrepresentation Claim](#) in the CCB Handbook for more information.

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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