



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0071

United States Copyright Claims Board

Darnell Riley-Perez

CLAIMANT

v.

Turner Broadcasting Systems, Inc.

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 24, 2022**. 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 extra 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. For example, it appears that you may have misspelled the respondent's name in the claim form.

Improper Pleading Form

The Board claim form is a standardized form, available on [eCCB](#), where claimants must enter all relevant allegations. [37 C.F.R. § 222.2\(a\)\(1\)](#). Allegations in support of the claim must be made through the standard form. [37 C.F.R. § 222.5\(a\)](#). You submitted, as supplemental material, a document styled as a "Complaint for Copyright Infringement," which appears to be patterned on a complaint that might be filed in federal court. Submitting a complaint is not an acceptable way to plead a claim before the Board.

Your "Complaint for Copyright Infringement" document also is different from your claim form submissions in significant ways. It raises allegations not just against the respondent but also against other corporate entities, and eleven unnamed "Doe Defendants." Such allegations are not appropriate before the Board, where claims must specify "[t]he names of the respondents." [37 C.F.R. § 222.2\(c\)\(5\)](#). The "Complaint for Copyright Infringement" document also concludes with a "Prayer" for relief that identifies several forms of relief that are different from the relief sought in the claim form, including some forms of relief that the Board cannot grant.

To address this issue, you may file an amended claim that includes all of your factual allegations, without a separate "complaint," and that clearly states the relief sought. Please review the discussions at pages 6 and 15 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook, and under the "What" tab on the [Claimant Information](#) page of [ccb.gov](#), for more information about the kinds of relief that the Board can grant.

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.

Improper Relief Sought

The "Description of harm suffered and relief sought" section of the claim indicates that you are seeking \$30,000 in statutory damages for copyright infringement. As described below, it appears that you may be seeking a larger damages award than the Board can grant for this type of claim. The most that respondents can be ordered to pay in damages (actual or statutory) in a Board proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). However, the maximum amount of statutory damages available from the Board is \$15,000 for each of your works that was infringed. 17 U.S.C. § 1504(e)(1)(A)(ii)(I). In addition, for any of your works that were (1) unpublished and the copyright was registered after the infringement started, or (2) published and the copyright was registered both after the infringement started and more than three months after the publication of your work, the maximum statutory damages is \$7,500 per work. 17 U.S.C. § 1504(e)(1)(A)(ii)(II); 17 U.S.C. § 412(1).

In your claim, you assert that "[t]he infringement happened on 4/23/2022," and you identify the copyright registration number as V Au1472674. When you submitted the application for that registration, you stated that your work was unpublished, so the registration issued for an unpublished work. The registration became effective July 3, 2022, after the alleged start of the infringement. Based on those stated facts, it does not appear that the Board may award you more than \$7,500 per infringed work in statutory damages.

It is also not clear whether you are claiming infringement of one work or two. The claim form requests a separate entry for each allegedly infringed work, and claimants must provide the title of the work "for each work at issue in the claim." 37 C.F.R. § 222.2(c)(7)(ii)(A). In the "Works infringed" section of the claim, you submitted only one entry, for a work entitled "Rileys Profile." However, the registration for that work covers two photographs and you describe the work as: "Two photographs of Riley Perez. One of Riley Perez on a jet with a woman. One of Riley Perez in a boxing ring." You also state that the infringement occurred after the claimant "denied the use of the

copyrighted *photographs* that were requested [by the respondent].” (Emphasis added.) If you submit an amended claim, please clarify whether you are seeking damages based on the infringement of a single work or two works with independent economic value. Any request for damages may not seek more per work than the Board can award.

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 supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

September 22, 2022