



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0250

October 16, 2024

Caleb Chan

CLAIMANT

v.

Kasra Tashakor

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **November 15, 2024**. 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended 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 Address

The claim must include the respondent's mailing address. 37 C.F.R. § 222.2(c)(6). The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). In the amended claim form, you listed 901 Cherry Avenue, San Bruno, CA 94066 as the respondent's address. However, Board records contradict the accuracy of that address and indicate that it is really YouTube's address. It is not plausible that YouTube's address is the Respondent's mailing address. In your amended claim you continue to allege that the infringement occurred on YouTube, but that does not make YouTube's address a valid mailing address for the respondent.

If you file an amended claim you must correct the address in the "Respondent" section by providing the actual address of the Respondent, and that address must be located in the United States. If you cannot provide an actual

residence address of the Respondent that is in the United States, you should not file an amended claim.. dditional information explaining you we believe YouTube’s address is appropriate would be unacceptable.

Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

In the “Works infringed” section of your claim, you state that the Copyright Office has not registered the allegedly infringed work, and you provide a service request number (1-14184699462) for a pending registration application for the work. However, a Board search of Copyright Office records for that application found that the Copyright Office has not yet received a deposit copy of the allegedly infringed work. The term “deposit” refers to the copy or copies of a work that must be submitted to the Copyright Office with an application for registration. Information about the deposit requirement for registration is available in [Chapter 1500](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. If the deposit was not delivered to the Copyright Office before the claim was filed, the Board cannot hear the claim.

To address this issue, if you file an amended claim, please include the registration number for the work or a service request number for an application to register the work. Either the registration must have been issued, or the application, deposit, and fee must have been delivered to the Copyright Office, before you filed your original claim on August 26, 2024. If you had not delivered a deposit of your work to accompany your application and fee at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to submit a deposit to support your pending application to register the copyright before you can refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement—Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. 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. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough facts about how the respondent had access to your work and how your works are substantially similar to the respondent’s work. Please provide more details and background regarding these

elements in your amended claim.

Access

Your claim does not provide facts about how the respondent had access to your works. “Access” means a reasonable opportunity to view or hear your works before the alleged infringement took place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your works (a) were sent directly to the respondent or a close associate of the respondent; (b) were widely disseminated or was available to the respondent; or (c) are so strikingly similar to the respondent’s work that the respondent could not have created it independently.

Alternatively, you can upload copies of your works and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your works and the respondent’s allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your works and the allegedly infringing work are similar.

Your claim states that your works are “[o]nline videos with authentic storytelling.” However, you do not provide enough information describing or showing your work. Your claim also states that that the “copier's video closely mirrors my own by directly copying distinct phrases, key sentences, and the overall flow of my original work.” Please note that a valid copyright only extends to copyrightable subject matter. Copyright law does not protect ideas. 17 U.S.C. § 102(b); see also Section 313.3(A) of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Nor does copyright does not protect names, titles, short phrases or slogans. 37 C.F.R. 202.1. Rather, it protects original elements of expression. Therefore, you cannot allege that because you have obtained a copyright registration for a depiction of a motion picture you can then claim copyright infringement against anyone who also uses certain phrases, narrative structure, or flow. An alleged infringer must have copied your original elements of expression.

If you submit an amended claim, it must include allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which elements of expression in your works were taken by the respondent in the allegedly infringing work, or copies or other documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other. More 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.

Final Amendment

Your amended claim resolved none, of the compliance issues raised in the September 9, 2024, Order to Amend Noncompliant Claim. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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.