



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0407

January 2, 2024

IVILIIA MILLIONIC IT Sp. z o.o.
and Serhii Osadchyi

CLAIMANTS

v.

Ilia Mazur

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **February 1, 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 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.

Legal or Beneficial Ownership

Your amended claim still does not present facts that indicate that Serhii Osadchyi (“Osadchyi”) is a proper claimant because it is not clear that Osadchyi is a legal or beneficial owner of the allegedly infringed works.

The December 18, 2023 Order to Amend Noncompliant Claim (“December 18 Order”) stated:

To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement.” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue.

You list both Osadchyi and IVILIIA MILLIONIC IT Sp. z o.o. (“Iviliia”) as claimants. Copyright Office registration records for the allegedly infringed works, filed as supplemental documents with the claim, identify Osadchyi as the author of each work, and indicate that ownership was transferred to Iviliia by written agreement. Those records indicate that Iviliia is a legal owner of the copyrights, and that Osadchyi’s rights may have been transferred to Iviliia. As a result, the amended claim does not present clear facts that indicate that Osadchyi personally has the right to bring a claim of infringement for the works as either a legal or beneficial owner.

Your amended claim does not add allegations to support Osadchyi’s ownership. A supplemental document filed with the amended claim, labeled [Original Copyrighted works.pdf](#), appears to be a “Guarantee letter” signed by Osadchyi. The document asserts that *Iviliia* owns the copyrights for the works, but does not indicate that *Osadchyi* is either a legal or beneficial owner.

To correct this issue in a second amended claim, you must either drop Osadchyi as a claimant, leaving only Iviliia, or you must include specific allegations about how Osadchyi owns, or has an exclusive license to use, the exclusive rights at issue. As the December 18 Order explained:

You can do this either by adding facts to the “Describe the infringement” section explaining how both claimants were the owner of exclusive rights in the works at the time of the infringement or by submitting supplemental documents. That may include explaining the relationship between the claimants: for example, Osadchyi could be considered a beneficial owner of the works if Osadchyi retains certain rights in each of the four works, including the rights to receive royalties. In the alternative, if the information in the claim identifying the claimant or the author of the works is inaccurate, you may correct that information in an amended claim.

Infringing Activity

Your amended claim does not present enough facts to clearly state or show how the respondent used any exclusive rights you have in one of the allegedly infringed works without permission.

You list four allegedly infringed works, titled “Corn hero,” “Watermelon hero,” “Apple hero,” and “Pumpkin hero.” You identify the works as “characters,” and Copyright Office registration records indicate that each of the works were registered “based on deposited pictorial authorship describing, depicting, or embodying character(s).” You allege that the respondent is a developer using the characters in a Google Play app. A document filed with the amended claim, labeled [Marked copyrights violations.pdf](#), appears to include images of allegedly infringing uses of three of those characters in connection with a game titled “Melon Playground.” However, the document does not appear to show uses of the “Pumpkin hero” character.

To address this issue in a second amended claim, please provide more details regarding the respondent’s allegedly infringing use of “Pumpkin hero.” You may include facts in the “Describe the infringement” section that describe acts infringing that character. For example, you may add allegations that the respondent used “Pumpkin hero” in the same manner as the uses of the other three characters shown in the “Marked copyrights violations” document, if that is the case. Alternatively, you may add images or descriptions to that “Marked copyrights violations” document that show similar examples of uses of “Pumpkin hero.” 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.

Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the December 18, 2023 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.