



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0233  
July 28, 2023

Sean Drakes

CLAIMANT

v.

Hillcrest Country Club No. 11 Condominium,  
Inc. and Diane Ferguson

RESPONDENTS

## 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 **August 28, 2023**. 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

For each respondent you name as an alleged infringer, you must state allegations regarding that respondent's allegedly infringing activity. The "Describe the infringement" section of the claim describes how Hillcrest Country Club No. 11 Condominium, Inc. ("Hillcrest") allegedly infringed your works on websites that it owns. However, your claim does not provide any facts about any infringing act by the other respondent, Diane Ferguson.

If you submit an amended claim and you choose to keep both respondents in the claim, you must provide more details and background regarding how Diane Ferguson personally engaged in infringing activity. In the alternative, you may file an amended claim that only names Hillcrest as a respondent.

### Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your works and the respondents' allegedly infringing works. 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 works are similar.

You list five photographs as your works in the “Works infringed” section. In the “Describe the infringement” section, you allege “that a batch of five photographs illustrating one article were allegedly restored to active use on the Homeowners Association’s websites.” However, it is not apparent from the claim that your photographs and the allegedly infringing photographs are the same, or are substantially similar. Your claim does not provide enough information describing or showing your works, and no allegations describe the content of the allegedly infringing works, or state or show how they are identical or substantially similar to your works. In addition, you have not provided copies of your works and the allegedly infringing works as supplemental documents. As a result, the claim does not provide enough information to enable the respondents to understand and evaluate the claim and respond to it.

If you submit an amended claim, include more specific allegations that support the element of substantial similarity. Include a clear, detailed statement regarding which portions of your works were taken by the respondents in the allegedly infringing works, or 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.

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](mailto: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 Attorney