



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0217
July 26, 2023

Fintelegram

CLAIMANT

v.

Capital Solutions Ltd

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 **August 25, 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.

Misrepresentation Claim – Clarity

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). A misrepresentation under section 512(f) involves false or incorrect statements of fact, made to an online service provider, related to a copyright-protected work posted online. To violate section 512(f), a statement must misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)-(2). A misrepresentation claim must describe the takedown notice and counter-notice (if one was sent), and must include “[t]he words in the notification or counter notification that allegedly constituted a misrepresentation,” as well as “[a]n explanation of the alleged misrepresentation.” 37 C.F.R. § 222.2(c)(9)(vi)-(vii). More information about the elements required to assert a claim of misrepresentation is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook.

You allege that you sent a takedown notice to Google and that the respondent sent Google “a fake DMCA counternotice.” You describe your takedown notice as a request to remove content from the websites gripeo.com and criminalaffair.com. Supplemental documents included with the claim appear to be copies of emails from

Google providing copies of two counter-notices, one sent on behalf of the respondent [Capital Solutions Ltd](#) and the other on behalf of [Gripeo LLC](#).

In the “Words that made up the misrepresentation and explanation of the misrepresentation” section, you do not indicate any statements in the counter-notices that made up the alleged misrepresentation other than the name and contact information provided. You allege that the respondent “sent a fake DMCA [counter-notice] using a fake name, fake company, fake address and fake phone number.” You identify several aspects of the counter-notice sent on the respondent’s behalf as incorrect:

- It lists a Delaware address for the respondent. You allege: “If you check the Delaware Register of Companies, there isn’t any company with this name.”
- It lists a phone number for the respondent that you allege is “an Indian phone number.” You further allege: “We tried to call and [the phone number] is not active.”
- It lists the respondent’s email address as info@gripeo.com. You allege: “the email domain they used, the website is not existing and [respondent] used the email account just to email and fill the fake DMCA.”
- It is signed by Gen Lanza, which you allege is “a fake sender name,” as “the same name,” Gennaro Lanza, is in the URLs of the articles that were the subject of your takedown notice.
- It lists the United States as the counter-notifier’s country of residence, yet indicates that the geolocation of the counter-notice was from “IN.” You seem to infer that “the IP connection was . . . from India,” and that therefore, “It’s absolutely clear about the fake DMCA [counter-notice].”

You also allege that the respondent sent the takedown notice on behalf of Gripeo LLC as well, using different contact information.

However, your allegations about inaccurate contact information do not describe statements in either takedown notice that would violate section 512(f). You do not describe the respondent misrepresenting “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification[.]” 17 U.S.C. § 512(f)(1)-(2). If you file an amended claim, it must describe a false or incorrect statement that the respondent made about the allegedly infringing content on gripeo.com and criminalaffair.com, not just about the respondent’s name or contact information, and must explain why the respondent’s statement in the counter-notice was false or incorrect.

In addition, several of your allegations do not appear to be well-founded.

- You assert that the email address provided in that counter-notice, info@gripeo.com, is at the domain of a website that does not exist. That is not consistent with your allegations that the gripeo.com website posts content from other websites, including two of the articles you sought to have taken down.
- You allege that the phone number in the counter-notices is “an Indian phone number.” The phone number listed has a 901 area code, which is valid for the Memphis, Tennessee region. The India country code is +91, not +901.

- You claim that both counter-notices declared a “UK residence.” Mr. Lanza’s counter-notice on behalf of the respondent did not. It provided a Delaware address and listed the United States as the country of residence.

If you file an amended claim, you must have a good-faith basis for your factual contentions and certify that the statements in the claim are accurate and truthful to the best of your knowledge. 37 C.F.R. § 232.2.

Respondent Name and Address

A claim before the Board must include the respondent’s name. 37 C.F.R. § 222.2(c)(5). It must also include the respondent’s mailing address, “unless the claimant certifies that a respondent’s address is unknown at the time to the claimant and that the claimant has a good-faith belief that the statute of limitations for the claim is likely to expire within 30 days from the date that the claim is submitted, and describes the basis for that good-faith belief.” *Id.* § 222.2(c)(6). Your allegations indicate that you have not complied with these requirements.

In the “Respondent” section of the claim, you recite Capital Solutions Ltd. as the respondent’s name and provide the Delaware address listed in the Capital Solutions Ltd. counter-notice. However, the “Words that made up the misrepresentation and explanation of the misrepresentation” section identifies the same name and address as a “fake name” and “fake address” concocted by the respondent for purposes of the counter-notice.

If you submit an amended claim, you must include the respondent’s name and mailing address, or state additional facts that explain why the Board should accept the name and address provided, despite your contention that they are “fake.”

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.

Copyright Claims Attorney