



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0383

January 14, 2025

Yanna Chen

CLAIMANT

v.

Zoe Chen

RESPONDENT

## FINDING OF BAD FAITH AND ORDER DISMISSING CLAIM

On December 11, 2024, Yanna Chen (Claimant) filed this claim before the Copyright Claims Board (Board). The claim provided a clearly invalid United States mailing address with information that indicated that the respondent is not a United States resident, even though claims before the Board against respondents that do not reside in the United States are prohibited.

On December 13, 2024, the Board ordered Claimant to show cause why filing the claim in that form did not constitute bad-faith conduct under 37 C.F.R. § 232.3. The Order to Show Cause further ordered Claimant to file a response to that order by December 27, 2024. No response was filed.

On January 6, 2025, the Board ordered Claimant to appear at a conference to explain the conduct described in the Order to Show Cause, and sent Claimant, at the email address provided in the claim, a link to the virtual conference, which was scheduled for January 13, 2025, at 12:00 PM ET. 37 C.F.R. § 232.3(c). The presiding Copyright Claims Officer waited 15 minutes after the scheduled time for the conference to begin but Claimant did not appear. Claimant did not notify the Board that it would not be attending or explain the absence thereafter. The Officer recorded a statement on the record and then concluded the conference.

The fact that Claimant submitted a claim with an obviously inaccurate address for a foreign respondent, despite the knowledge that claims against foreign entities are prohibited, has not been refuted. Claims “asserted against a person or entity residing outside the United States” are categorically “not subject to determination by the Copyright Claims Board.” 17 U.S.C. § 1504(d)(4). The eCCB online filing system specifically informs filers of this prohibition, and eCCB requires a United States address for respondents, including a United States state or district and zip code. When this claim was submitted through eCCB, a notice in the “Respondent” section of the claim form warned the filer that claims cannot be filed against respondents residing outside of the United States, and specified: “Anyone who evades this requirement will have their claim found noncompliant, lose their \$40 filing fee, and may be limited in the ability to file future claims.” Before submitting the claim, Claimant also certified under penalty of perjury that the information provided in the claim was accurate and truthful to the best of his knowledge. See 37 C.F.R. § 222.2(c)(12).

Nevertheless, the claim stated that the respondent’s street address is “Block 10b, 12-07, Braddell View, New York, NY 10016.” However, Braddell View is an apartment complex in Singapore, not New York. The respondent

street address provided does not resemble a valid New York City address, as Claimant surely knows; Claimant's own address provided in the claim is in New York City. Nevertheless, Claimant entered New York as the respondent's city, with a Manhattan zip code, and selected the state code "NY" for New York from the drop-down menu in the claim form. Entering the New York address information for the respondent, despite the knowledge that the respondent's address is in Singapore, means that the filer must have ignored the warnings on eCCB and entered those address details to avoid the technological barriers to entering a foreign address.

Therefore, the Board finds that the actions of Claimant in this proceeding constitute bad-faith conduct, as defined in the Board's regulations: "Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact. Such conduct includes any actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board, including before a proceeding becomes an active proceeding." 37 C.F.R. § 220.1(c). Under this standard, the Board has no difficulty in finding that Claimant did not have a reasonable basis in law or in fact to file a claim before the Board against a respondent residing outside the United States despite the clear warnings and technological barriers to deter such a filing.

In addition, on December 13, 2024, the Board issued an Order of Intention to Dismiss for Unsuitability, notifying Claimant that the Board had found the claim unsuitable for determination by the Board because it is raised against a foreign resident. 17 U.S.C. § 1504(d)(4). Claimant has not filed a request to reconsider the determination of unsuitability in the time allowed. 37 C.F.R. § 224.2(b)(2). Accordingly, the Board dismisses the claim without prejudice and closes case 24-CCB-0383. 37 C.F.R. § 224.2(b)(3).

Copyright Claims Board