



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0171
July 27, 2023

AIPRM, Corp. and Christoph C. Cemper

CLAIMANTS

v.

Công ty cổ phần đào tạo Học Viện AI

RESPONDENT

FINDING OF BAD FAITH AND ORDER DISMISSING CLAIM

On May 16, 2023, Christoph C. Cemper (Cemper) filed this copyright infringement claim on behalf of himself and AIPRM, Corp. The claim provided a clearly invalid mailing address for the respondent that is, in fact, the address for a courthouse for the United States District Court for the Northern District of California. The claim also provided a non-United States phone number for the respondent, though claims before the Copyright Claims Board (Board) against respondents that do not reside in the United States are prohibited.

On June 22, 2023, the Board ordered the claimants to show cause why filing the claim in this form did not constitute bad-faith conduct under 37 C.F.R. § 232.3. The Order to Show Cause further ordered the claimants to file a response to that order, jointly or separately, by July 6, 2023. No response was filed.

On July 18, 2023, the Board ordered the claimants to appear at a conference to explain the conduct described in the Order to Show Cause, and sent claimants, at the addresses provided in the claim, a link to the virtual conference, which was scheduled for July 25, 2023 at 10:00 AM EST. 37 C.F.R. § 232.3(c). The presiding Copyright Claims Officer waited 10 minutes after the scheduled time for the conference to begin but neither claimant appeared. They did not notify the Board that they would not be attending or explain their absence thereafter. The Officer recorded a statement on the record and then concluded the conference.

The fact that Cemper submitted, on behalf of both claimants, a claim with an obviously inaccurate domestic address and phone number 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. Before submitting the claim, Cemper 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 mailing address is 450 Golden Gate Avenue, San Francisco, CA 94102. That is the location of the federal courthouse in San Francisco. The claim also provided a phone number for the respondent with a 097 area code, which is not a valid United States area code.

Entering a respondent address in California means that the filer must have both ignored the warnings on eCCB and entered a U.S. address to avoid the technological barriers to entering a foreign address. Therefore, the Board finds that the actions of the claimants Christoph C. Cemper and AIPRM, Corp. 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 the claimants 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 June 22, 2023, the Board issued an Order to Amend Noncompliant Claim notifying the claimants that the claim did not comply with the requirements of the CASE Act and related regulations and would be dismissed unless an amended claim was filed by July 24, 2023. 37 C.F.R. § 224.1(c)(2).

No amended claim was filed in the time allowed. Accordingly, the Board dismisses the claim without prejudice and closes case 23-CCB-0171. 37 C.F.R. § 222.17(a)–(b).

Copyright Claims Board