



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0167
June 24, 2024

Getchecked Poly Clinic Co LLC and Artion Marra

CLAIMANTS

v.

Sulaimaan Syed

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **July 24, 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. 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. For example, the name you entered for the respondent is almost identical to the name of one of the claimants, and if the respondent's name is incorrect, you should correct it in the amended claim.

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.

Copyright Registration

You have raised a claim of copyright infringement before the Board. The claim must include the copyright registration number and effective date of registration for the allegedly infringed work or, if it has not yet been registered, the service request number for a pending application to register the copyright. 37 C.F.R. §§ 221.1(b) & 222.2(c)(7)(ii)(C)-(D). In the “Works infringed” section, you listed the service request number for an application for registration for a literary work, 1-13802469001, instead of the registration number, TX0009397205. You also listed May 9, 2024 as the effective date of registration, though the actual effective date is June 6, 2024. If you submit an amended claim, include the TX0009397205 registration number and the June 6, 2024 effective date of registration.

Copyright Infringement – Elements

Your claim must make enough factual allegations to support each “element” of the claim. 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. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, and
4. The respondent's work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough clear facts to support these elements of the claim, as discussed below. If you file an amended claim, it must include enough details about those elements for the Board and the respondent to understand the facts of the alleged infringement.

Legal or Beneficial Ownership

To bring an 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.

The claim names two claimants, Artion Marra (Marra) and Getchecked Poly Clinic Co LLC (Getchecked). It is not clear that Marra is a proper claimant for this claim. Marra filed and certified the application for registration, and the *claim* names Marra as the author of the allegedly infringed work. However, the application and registration list Getchecked as the sole author of the work and as the sole copyright claimant (owner). Copyright Office records do not name Marra as an author of the work or indicate that Marra is a legal or beneficial owner of the copyright.

To address this issue in an amended claim, you must include allegations that indicate how Marra is a legal or beneficial owner of the copyright for the allegedly infringed work. Alternatively, if Marra is not a legal or beneficial owner, then any amended claim must remove Marra as a claimant. Also, the amended claim must name Getchecked as the author of the work instead of Marra, or it must include allegations that indicate how Marra is an author (and if and how it then assigned copyright rights to Getchecked), despite the information in the copyright registration.

Proper Respondent

The claim names Sulaimaan Syed (Syed) in the “Respondent” section. However, the claim does not otherwise mention Syed, and the allegations in the “Describe the infringement” seem to suggest that a company is infringing. To address this issue in an amended claim, either include facts that indicate why Syed personally is the alleged infringer, or name a different respondent, stating facts that indicate how that respondent infringed.

Respondent Address

The claim must include the respondent's mailing address. 37 C.F.R. § 222.2(c)(6). The address you provided for Syed is incomplete. It lists a borough, neighborhood, city, and state ("Manhattan, Chelsea, Midtown South, New York, NY"), but not a street address. In addition, the zip code listed, 84001, is in Utah, not New York.

Provide a complete and accurate mailing address for the respondent in your amended claim. It must be a United States address, as the Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). Even if you fix the other issues listed in this order, a claim cannot move forward without a valid United States address for each respondent.

Access

Your claim does not provide facts about how the respondent had access to the allegedly infringed work. "Access" means a reasonable opportunity to view or copy the work before the alleged infringement took place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent's work that they could not have been created independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. Your claim does not include copies of the works. You list URLs in the "Describe the work" and "Where the allegedly infringing acts occurred" sections of the claim, but when reviewing claims, the Board will not take into account material that is solely referred to in URLs and not uploaded as supplemental documents, in part because URLs can lead to material that is no longer available online. If you include copies of the works as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your work and the allegedly infringing work. If it is not readily apparent from supplemental documents submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are substantially similar.

Your claim does not provide enough information describing or showing your work or the allegedly infringing work. In the "Describe the infringement" section, you state, "This website has copied almost 100% our website on STD/STI Wellness Page and Food Intolerance page." Those allegations are not clear enough to state or show how the works are identical or substantially similar. In addition, you have not provided copies of the works as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

If you submit an amended claim, it must include more factual allegations or information that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

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