



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0419
January 22, 2024

Sandra Cuestas

CLAIMANT

v.

Sealey Bentel

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 **February 21, 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. 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.

Takedown Notice and Counter-Notice

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 claim must include:

- A description of the takedown notice, its sender and recipient, and (if known) the date it was sent;
- If a counter-notice was sent in response to the takedown notice, a description of the counter-notice, its sender and recipient, and (if known) the date it was sent;
- The specific words in the takedown notice or counter-notice that you allege constituted a misrepresentation; and
- An explanation of the alleged misrepresentation.

37 C.F.R. § 222.2(c)(9)(i)-(vii). You allege that five takedown notices were sent, and that five counter-notices were received. You have not described the content of the takedown notices, and your listing of who sent the takedown notices and counter-notices is unclear.

In the “Describe the content of the takedown notice” section, you do not describe what you said in any takedown notice. Instead, you provide the content of a confirmation email from Etsy. If you file an amended claim, describe the content of what you reported to Etsy about the alleged infringement, not what it said in reply.

In response to two questions in the claim form, “Who sent the DMCA takedown notice(s)?” and “Who sent the counter notice(s)?,” you answered, “Etsy Legal.” However, you indicated that Etsy *received* those notices—which would be typical—so it does not make sense that it sent the notices as well. If you file an amended claim, correct your responses to those two questions. For example, list yourself in response to “Who sent the DMCA takedown notice(s)?” if you sent them. In response to “Who sent the counter notice(s)?,” list the alleged infringer or infringers who sent the counter-notices, who should be listed in Etsy’s reply. The respondent in this case should be the person or entity you alleged made the false statements in the takedown notice or counter-notice. You are reminded that you are able to attach takedown notices and counter-notices to your amended claim. Often, doing so makes the claim much clearer so that both the Board and the respondent can better understand your claim.

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