



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0266

January 27, 2023

United States Copyright Claims Board

Pinwheel Crafts LLC

CLAIMANT

v.

Christa M Hart

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 27, 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.

Copyright Infringement Claim – Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering “a completed application, a deposit, and the required fee” to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. §1505(a).

In your claim, you state that the Copyright Office has not registered the allegedly infringed work, and you provide a Service Request number (1-12024501451) for a pending registration application for the work. A Board search of Copyright Office records for that application has found that the Copyright Office has not received the required deposit copy of the allegedly infringed work, meaning that your application was not complete for purposes of filing a claim before the Board. Further, the “contents titles” included with your pending application for registration do not include the pillowcase design, just the product packaging and the instructions. The term “deposit” refers to the copy or copies of a work that are submitted to the U.S. Copyright Office. It does not refer

to the filing fee that must be paid in order to register a work with the Office. One must send the required copy or copies of the work along with the application and fee in order to have it registered.

Because a copy of the work had not been delivered to the Copyright Office at the time the claim was filed, the Board cannot hear the claim. Either the registration must have been issued, or the application, deposit (copy), and fee must have been delivered to the Copyright Office, before you filed your claim on December 13, 2022. If you had not submitted a copy of the work to accompany your application and fee before that date, this claim cannot be successfully amended and cannot proceed. Instead, you would need to submit a copy of the work to support your pending application to register the copyright before you can refile your claim as a new claim. If you believe that a different registration number or service request number, from no later than December 13, 2002, applies to the work you allege has been infringed, you can attempt to address this issue by filing an amended claim and including that registration number or service request number.

For more information on registration, please refer to the Copyright Office [Registration Portal](#). Information about the deposit requirement is also available in [Section 1500](#) of the Compendium of U.S. Copyright Office Practices, Third Edition.

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 supplementary 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