



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0258

August 30, 2023

Boho Magic LLC and Lior Abady

CLAIMANTS

v.

Rajesh Vishvakarma

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 **September 29, 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.

### Respondent Address

A claim before the Board must include the respondent's mailing address, "unless the claimant certifies that a respondent's address is unknown at the time to the claimant and that the claimant has a good-faith belief that the statute of limitations for the claim is likely to expire within 30 days from the date that the claim is submitted, and describes the basis for that good-faith belief." 37 C.F.R. § 222.2(c)(6). Your claim does not comply with these requirements.

You allege that you submitted DMCA takedown notices to Etsy on July 26 and 31, 2023, which identify the infringing listings "on the respondent's Etsy store," and that Etsy provided you a counter-notice submitted by the respondent on July 31, 2023. A DMCA counter-notice includes the address of the party submitting it. 17 U.S.C. § 512(g)(3)(D). However, your claim does not include the respondent's address that was supplied in the counter-notice. Instead, in the "Respondent" section of your claim, you provide a non-existent mailing address for the respondent: "Unknown, Unknown, DE 10000." Because Etsy provided the counter-notice to you, it does not appear that the respondent's address could be unknown to you. In addition, 10000 is not a valid zip code in the United States. You have not certified that the respondent's address is unknown to you and that you have a good-

faith belief that the statute of limitations for the claim is likely to expire within 30 days. Because you allege that the infringing acts began in February 2023, it does not appear that the three-year statute of limitations period for your claim is about to expire. 17 U.S.C. §§ 507(b) & 1504(b).

If you file an amended claim, it must provide the respondent's complete mailing address. Because you provide a clearly inaccurate address for the respondent, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the issue, the Board will engage in a full compliance review, so you should review the [CCB Handbook, including the chapters on Starting an Infringement Claim and Starting a Misrepresentation Claim](#), and make sure the rest of your amended claim is compliant.

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](mailto: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.