



United States Copyright Claims Board

Jordan Reeder

CLAIMANT

v.

Acuity Network Services

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 **November 28, 2022**. 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 extra 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.

Clarity – Legal and Beneficial Ownership

Your claim includes unclear statements about the claimant’s status as a legal or beneficial owner of the work allegedly infringed by respondent. To bring a copyright 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.

In your claim, you state that “Cisco received a lifetime license to use the Webex Meeting Photograph, which Cisco has indeed used in connection with marketing its products.” A [supplemental document](#) filed with your claim appears to be copies of two demand letters that your counsel sent to the respondent. In the letter dated June 7, 2022, your counsel stated that the license Cisco obtained was “exclusive.” Without more detail about the terms of the agreement, it is unclear if you retained legal or beneficial ownership of the allegedly infringed work.

To correct this issue, you must add facts to the “Describe the infringement” section of the claim that (1) explain the relationship between yourself and Cisco and (2) detail how you retained legal or beneficial ownership of each of the exclusive rights allegedly infringed in the “Wrongful activities” section of the claim. You may also choose to include the 2013 agreement with Cisco, or correspondence that plays a significant role in your allegations, as supplemental documentation in support of your claim.

Impermissible Claims

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital Millennium Copyright Act.

17 U.S.C. § 1504(c)(1)-(3). The Board cannot hear claims of unfair competition, false advertising, or rights of publicity violations. 17 U.S.C. § 1504(d)(1). In your claim, you allege that the respondent’s use of the photograph is “in violation of U.S. and state laws of unfair competition and false advertising” and “violates the rights of publicity of the models shown [.]” Those allegations are not about any claim that the Board could hear. If you file an amended claim, it should only state facts and allegations that are relevant to a claim under copyright law that the Board may hear.

Please review [Circular 1: Copyright Basics](#) and the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney
October 28, 2022