



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0163
June 14, 2024

David Bibiyan

CLAIMANT

v.

Abdulsalam Issa and Ahmed Issa

RESPONDENTS

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 **July 15, 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.

Infringing Activity

Your copyright infringement claim does not provide enough facts about how the respondents engaged in infringing activity. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

You allege that the respondents infringed your copyright in photographic work. The copyright registration for your work appears to cover photographic images of a website that depicts hundreds of articles of merchandise, mainly license plate frames bearing different short messages. Copyright in a photographic work extends to the photograph itself. As the Certificate of Registration for your work states, the copyright registration “does not extend to any useful article depicted” in that work.

Your allegations do not offer enough detail about the respondents using your work in a way that would infringe any exclusive rights. Distributing or displaying images of different license plate frames, even ones with the same messages or the same general appearance as the ones depicted in your images, would not by itself infringe the photographic authorship covered by your registration. Some of the supplemental documents filed with your claim leave it unclear if the respondents actually infringed the photographic images themselves, for example, by directly copying, distributing, or displaying the registered images, or altered versions of those images.

Your [Exhibit 1](#) appears to show a photographic image from your website that depicts, among other things, a license plate frame that reads “STUCK IN THE 70’s,” as well as an allegedly infringing image from eBay showing a license plate frame with the same words; but on close inspection, the lettering on the two frames appears different, which suggests that the allegedly infringing image is not a direct reproduction of the image. Other variations appear in the lettering used for the messages in the frames shown in your [Exhibit 2](#) and [Exhibit 3](#).

In the “Describe the infringement” section, you allege, “They took the entire photo and materials within my photos, to infringe on my works.” However, the variations between your registered images and the allegedly infringing images suggest that the respondents may not have reproduced images from your works in their entirety.

If you submit an amended claim, you must more fully explain how the respondents infringed your allegedly infringed work. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the respondents engaged in the infringing activity. You should be as detailed as possible, setting forth what the respondents did in relation to the work you allege was infringed.

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