



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0349

November 27, 2024

Title One Films LLC

CLAIMANT

v.

Christopher Gibbs

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **December 27, 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.

Legal or Beneficial Ownership

You have raised a claim of copyright infringement before the Board. You allege infringement of a feature film titled “Deadly Letters,” and you name Deadly Letters LLC as its author. You state that the Copyright Office issued Registration No. PAu004227260 for the work. That Certificate of Registration identifies Deadly Letters LLC as the author and copyright owner, but it does not mention claimant Title One Films LLC (Title One). The claim does not present clear facts that indicate how Title One is a proper claimant to bring this infringement claim.

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. A claimant who is not a named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an

exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

When you submitted your claim, you certified that Title One is a legal or beneficial owner of rights in the allegedly infringed work. However, the Copyright Office registered the work under Deadly Letters LLC's name. The registration certificates lists Deadly Letters LLC as the author of the "entire motion picture" as a work made for hire. For legal purposes, the author of a "work made for hire" is not the individual who actually created the work. Instead, the party that employed or commissioned the individual to create the work is considered both the author and the copyright owner of the work. Your allegations that Title One "is the original creator" and "holds the original rights and license" for the film seem to contradict the registration records.

If information in the claim identifying the claimant or the author of the work is inaccurate, you may correct that information in an amended claim. For example, if Deadly Letters LLC is the owner and author of the registered work and you are authorized to file this claim on behalf of Deadly Letters LLC, the amended claim should name it as the claimant instead of Title One. However, if Title One is a copyright owner, you must include specific allegations about how it owns, or has an exclusive license to use, the exclusive rights at issue. You can do this either by adding facts to the "Describe the infringement" section explaining how Title One owned exclusive rights in the work at the time of the infringement, or by submitting supplemental documents. For example, you may describe Title One's relationship with Deadly Letters LLC and state how Title One obtained legal or beneficial ownership of copyright, such as by assignment or exclusive license, or include supplemental documents demonstrating your legal or beneficial ownership. If you include copies of an assignment or license as a supplemental document, they must be clearly labeled and identified.

Misrepresentation – Reliance by Online Service Provider

You are also bringing a claim of misrepresentation in connection with a counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law that involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online.

Your claim must make enough factual allegations to support each "element" of the claim. The elements of misrepresentation that apply to your claim are:

1. The respondent sent an OSP a counter-notice denying the claim of infringement in a takedown notice, and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP's decision to repost the content, and
5. You were harmed as a result of the OSP's decision to repost the content.

17 U.S.C. § 512(f). "Safe harbor" provisions in section 512 of the Copyright Act protect certain OSPs from paying damages for infringement claims if they restore allegedly infringing material, ten to fourteen business days after

receiving a proper counter-notice, unless they first receive notice of an infringement claim filed against the alleged infringer in court or before the Board. More information is available on the Copyright Office's [section 512](#) page.

A misrepresentation in a counter-notice only violates section 512 of the Copyright Act if the OSP relies on it to restore the allegedly infringing content. Information in your claim indicates that the alleged misrepresentations could not have been a factor in any decision by the OSP to repost the content because the OSP had not reposted the material at issue at the time you filed your claim.

You state that you sent YouTube (the OSP) a takedown notice on November 5, 2024, and that the respondent made false statements in a counter-notice to YouTube on November 7, 2024. You filed this claim on November 11, 2024. The proximity of these dates suggests that YouTube may not have reinstated the material at the time you filed your claim, and there is no allegation in your claim that YouTube did repost the content.

If YouTube had restored the allegedly infringing material before you filed your claim on November 11, 2024, your amended claim must state facts about that restoration. However, if YouTube had not restored the allegedly infringing material at that time, in reliance on the November 7, 2024 counter-notice, this misrepresentation claim cannot move forward, and you must not include it in your amended claim.

Respondent Information – Clarity

The claim must include the respondent's name and mailing address. 37 C.F.R. §§ 222.2(c)(5)-(6). You name Christopher Gibbs as the respondent and provide an address and other contact information, but you state that Christopher Gibbs is "almost certainly a fake alias." As a result, it is not clear if the name and contact information you provided for the respondent are correct. If you file an amended claim, provide the correct information for the respondent, or include facts that indicate why you cannot.

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.

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