



COPYRIGHT CLAIMS BOARD

Docket numbers: 24-CCB-0343, 24-CCB-0346,
& 24-CCB-0373
December 20, 2024

Ivan Pyvovarov

CLAIMANT

v.

Bohdana Stepanenko and Maryna Kosarieva

RESPONDENTS

ORDER FINDING BAD-FAITH CONDUCT AND A PATTERN OF BAD-FAITH CONDUCT AND DISMISSING CLAIMS

On November 8, 2024, Ivan Pyvovarov (Claimant) filed claim 24-CCB-0343 before the Copyright Claims Board (Board), alleging copyright infringement against Bohdana Stepanenko (Stepanenko). Claimant filed claim 24-CCB-0346 on November 9, 2024, and claim 24-CCB-0373 on December 4, 2024, alleging copyright infringement against Stepanenko and Maryna Kosarieva (Kosarieva) (together, Respondents). The claims provided clearly invalid mailing addresses for Respondents, and information in the claims indicated that Respondents are not United States residents, even though claims against respondents that do not reside in the United States are prohibited. In the address fields, the claims provided obvious Ukraine addresses for the Respondents but named various states as their states of residence—Pennsylvania (PA) in 24-CCB-0343, Massachusetts (MA) in 24-CCB-0346, and Montana (MT) in 24-CCB-0373—seemingly in an attempt to circumvent the Board filing system’s prohibition on entering foreign addresses for respondents.

On November 12, November 13, and December 4, 2024, the Board ordered Claimant to show cause why filing claims 24-CCB-0343, 24-CCB-0346, and 24-CCB-0373, respectively, in that form did not constitute bad-faith conduct under 37 C.F.R. § 232.3. Each Order to Show Cause further ordered Claimant to file a response to the order within fourteen days. No response was filed to any of the Orders to Show Cause.

On December 4, 2024, the Board ordered Claimant to appear at a conference, scheduled for December 20, 2024, at 10:00 AM ET, to explain why the conduct described in the Orders to Show Cause did not constitute bad-faith conduct and a pattern of bad-faith conduct under 37 C.F.R. §§ 232.3(c) and 232.4(c). The Board sent Claimant, at the email addresses provided in the claims, a link to the virtual conference beforehand. The presiding Copyright Claims Officer waited 15 minutes after the scheduled time for the conference to begin but Claimant did not appear. Claimant did not notify the Board that he would not be attending or explain his absence thereafter. The Officer recorded a statement on the record and then concluded the conference.

Claimant submitted claims against foreign respondents with obviously foreign address information and obviously inaccurate domestic address information, despite the knowledge that claims against foreign residents are prohibited. These facts have not been refuted. Claims “asserted against a person or entity residing outside the United States” are categorically “not subject to determination by the Copyright Claims Board.” 17 U.S.C. §

1504(d)(4). The eCCB online filing system specifically informs filers of this prohibition in a notice stating, “the CCB **cannot** hear claims ... [w]ith foreign respondents,” and explains that the consequences of such a claim include “potential limits on filing future claims.” eCCB requires a United States address for respondents, including a United States state or district. When the claims were submitted through eCCB, an additional notice in the “Respondent” section of the claim forms warned the filer that claims cannot be filed against respondents residing outside of the United States. Before submitting the claims, Claimant also certified under penalty of perjury that the information provided in the claim was accurate and truthful to the best of Claimant’s knowledge. *See* 37 C.F.R. § 222.2(c)(12). Nevertheless, while the claims provided “PA,” “MA,” and “MT” (Pennsylvania, Massachusetts, and Montana) as the Respondents’ state code, they also listed Stepanenko’s mailing address in Sumy, and the claims against Kosarieva listed Kosarieva’s address in Lviv. Sumy and Lviv are both cities in Ukraine, as Claimant surely knows; all three claims list a street address for Claimant in Ukraine, and two of the claims list Claimant at an address in Sumy.

Designating various United States as the state for respondents in Ukraine means Claimant must have ignored the warnings on eCCB and entered U.S. address information to avoid the technological barriers to entering a foreign address. When filing 24-CCB-0373, Claimant also paid no heed to the Orders to Show Cause that had already issued in 24-CCB-0343 and 24-CCB-0346, which emphasized that such claims against foreign residents are baseless.

The Board finds that Claimant submitted the claims in these three proceedings with full knowledge that the claims could not prevail, despite warnings from the Board that such claims would be improper. Therefore, the Board finds the Claimant’s actions in pursuing these claims constitute a pattern of bad-faith conduct, as defined in the Board’s regulations: “Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purposes, or without a reasonable basis in law or fact. Such conduct includes actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board, including before a proceeding becomes an active proceeding.” 37 C.F.R. § 220.1(c). Under this standard, the Board has no difficulty finding that Claimant did not have a reasonable basis in law or in fact to file claims before the Board against respondents residing outside of the United States despite multiple, clear warnings and technological barriers to deter such filings. Claimant’s pattern of filing claims that he knows are without merit is established. 37 C.F.R. § 232.4(d).

The orders scheduling the December 20 conference warned Claimant: “If the Board determines that Claimant engaged in a pattern of bad-faith conduct in these proceedings, penalties for Claimant would include the dismissal of all three proceedings and a ban on filing new Board proceedings for a one-year period.” Those penalties are mandatory under 37 C.F.R. § 232.4(d).

Accordingly, the Board closes these claims without prejudice and dismisses 24-CCB-0343, 24-CCB-0346, and 24-CCB-0373. The Board finds that Claimant engaged in bad-faith conduct in filing and pursuing these claims, and therefore, the Board must bar him from its proceedings for a period of 12 months. Based on the foregoing, the

Board determines that Claimant Ivan Pyvovarov is barred from initiating any claims before the Board for the 12-month period beginning today, December 20, 2024, through December 19, 2025.

Copyright Claims Board