



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0153
May 9, 2025

Vintage Tradition LTD

CLAIMANT

v.

Jacob Busch

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 **June 9, 2025**. 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.

Misrepresentation – Reliance

You are 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, which 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 restore 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). 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. There is no allegation in the claim that the OSP (Shopify) has restored the content. Without such an allegation, your misrepresentation claim cannot go forward.

Moreover, information in your claim suggests that Shopify would not have restored the content, based on the alleged misrepresentations, by the time that the claim was filed.

“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. You state that you sent a takedown notice to Shopify on April 12, 2025, alleging infringement on the respondent’s FAQ page, and that the respondent sent a counter-notice to Shopify on April 15, 2025. You filed this claim before the Board seven business days later, on April 24, 2025. The proximity of these dates suggests that Shopify would not have reinstated the material at the time you filed your claim, which was less than ten business days after the date of the counter-notice.

The “Describe the content of the counter-notice” section of the claim seems to quote an email in which Shopify told you that the respondent’s allegedly infringing content had been removed; that Shopify had received a counter-notice; and that “the removed content listed in the counter notice may be reposted, within 10-14 business days following receipt of the counter notice[.]” That message further suggests that Shopify would not have reinstated the respondent’s FAQ page by April 24, 2025.

If Shopify did restore the allegedly infringing material before you filed this claim on April 24, 2025, your amended claim must state facts about that restoration. However, if the respondent’s FAQ page had not been restored in reliance on the counter-notice by that date, this misrepresentation claim cannot move forward, and you must omit the misrepresentation claim from any amended claim that you choose to submit.

Relief Requested

Copyright infringement and misrepresentation claims before the Board must include a statement of harms suffered by the claimant as a result of the alleged activity. In the “Description of harm suffered and relief sought” sections of your claim, you do not identify harms that can be a basis for forms of relief that the Board can grant.

In the infringement claim, you identify two alleged harms, “[u]nfair competition” and “[p]otential harm to search engine optimization and ranking,” which might be a basis for relief in a trademark infringement or unfair competition claim, but the Board cannot hear such claims. In the misrepresentation claim, you state that you “[h]ad to seek outside counsel on next actions and file this claim in order to prevent further infringement.” All parties in a claim before the Board must bear their own costs and attorneys’ fees, except in cases where a party engages in bad-faith conduct during the course of the proceeding. 17 U.S.C. §§ 1506(e)(3), (y)(2). Legal fees incurred before a claim is filed are not a basis for relief in a Board proceeding.

If you file an amended claim, include a description of how the alleged harms are attributable to the alleged infringement (and the alleged misrepresentation, if you do not omit the misrepresentation claim), and do not request any relief that the Board cannot grant. More information is available in the [Damages](#) chapter of the CCB Handbook.

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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