



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0134
April 29, 2025

Keith F. Bell

CLAIMANT

v.

Larry A. McKenzie

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 **May 29, 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.

Statute of Limitations

Your claim includes facts that indicate that you had or reasonably should have discovered the alleged infringement in 2020. If you do not allege any infringing act that occurred or was discovered in the last three years, or give reasons why it was reasonable that you did not discover the claim until the last three years, the claim will be barred by the statute of limitations.

A “statute of limitations” is a time limit set by law for starting a claim. The statute of limitations period for copyright claims, both in federal court and the Board, is three years after the claim “accrues.” 17 U.S.C. §§ 507(b) & 1504(b)(1). A claim for copyright infringement accrues when the infringing act occurs, or when the claimant discovers, or reasonably should have discovered, the infringement. *Starz Entertainment LLC v. MGM Domestic TV Distrib., LLC*, 39 F.4th 1236, 1239-41 (9th Cir. 2022); *Motorola Solutions, Inc. v. Hytera Communications Corp., Ltd.*, 108 F.4th 458, 479 (7th Cir. 2024). A proceeding before the Board cannot be commenced more than three years after the claim accrued. 17 U.S.C. § 1504(b)(1).

In your claim, you allege that you discovered the respondent’s allegedly infringing July 6, 2019 post on August 1, 2020, which is more than three years before you filed your claim. You then state that that three years later, in 2023,

you discovered additional posts on Facebook and Twitter by the respondent. However, it appears from the supplementary documents you included that these “additional posts,” including ones on the same website, were posted in January of 2020, which is before you discovered the first instance of alleged infringement. Based on those facts, it appears that you should have been reasonably aware of the respondents’ allegedly infringing use of your work in August 2020, which is more than four years ago.

Only allegedly infringing acts that that took place or that you should have reasonably discovered on or after April 12, 2022, three years before the day that you filed the claim with the Board, would fall within the statute of limitations period. Because it appears that you had known about or should have known about the alleged infringing acts for more than three years, they cannot be the subject of this infringement claim unless you can show in an amended claim that your allegations are based on new actions taken by the respondents within three years of your filing your original claim (that is on or after April 12, 2022) or you can give a credible explanation as to why it was not reasonable for you to have discovered the additional infringements before that time frame.

Impermissible Claim — Violation of Terms of Service

The Board is only authorized to resolve certain types of copyright disputes. 17 U.S.C. § 1504(c)(1)-(3). In your claim you allege that “[w]ith Respondent’s actions Respondent has additionally violated Twitter (now “X”) Terms of Service (“TOS”) Version 18. Section 3.” You further state that “Respondent has given “X” (Twitter) rights for a worldwide, non-exclusive, royalty-free license (with the right to sublicense) to use, copy, reproduce, process, adapt, modify, publish, transmit, display and distribute such Content in any and all media or distribution methods (now known or later developed).” These allegations do not appear to be about any kind of claim that the Board could hear. The Board is unable to consider any violation of an online service provider’s terms of service. Please review the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. You should only file an amended claim if you can state facts to support a claim under copyright law that can be heard by the Board. If you make a claim for violation of Twitter’s terms of service in an amended claim, it will be rejected as noncompliant.

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 Board