



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0139  
May 22, 2024

Damon Lovell

CLAIMANT

v.

James H Dillard, Jr

RESPONDENT

## 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 **June 21, 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. For example, in the claim you state that the alleged misrepresentations occurred not just in the respondent's takedown notices, but also in counter-notices that *you* filed. That appears to be a mistake to correct in an amended claim. If that was a mistake, answer "No" to "Misrepresentation occurred in the counter-notice" in the amended claim.

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 – Clarity

This proceeding raises a claim of misrepresentation in connection with DMCA takedown notices sent to online service providers (OSPs) under 17 U.S.C. § 512(f). A takedown notice only violates 17 U.S.C. § 512(f) if it falsely accuses the respondent of infringing copyright-protected work online. You allege that the respondent has filed more than 100 copyright takedown notices, and that the misrepresentations occurred in takedown notices sent to YouTube and Rumble on July 31, August 4, and August 7, 2023. Your claim must include the words of the alleged misrepresentations, a description of the takedown notices, and an explanation of the alleged misrepresentations. 37 C.F.R. §§ 222.2(c)(9)(iv), (vi)(D), & (vii). You have not presented enough clear information about the takedown notices for the Board and the respondent to understand the basis of your claim.

You have not presented information showing or describing the content of any notice sent or misrepresentation made to Rumble. In the "Describe the content of the takedown notice(s)" section of the claim, instead of

describing respondent's takedown notices to YouTube, you seem to describe the content of videos *about* those notices. Supplemental documents filed with the claim indicate that YouTube took down three of your videos based on the respondent's takedown notices; however, you have not provided the words of any alleged misrepresentations in those notices, or identified the works that the respondent claimed was infringed. You do not present facts that show that the respondent falsely indicated that your use of his works was infringing.

If you submit an amended claim, you must show or explain why such statements in the takedown notices were false or incorrect, and how they were false or incorrect. Include the words of the respondent's alleged misrepresentations to both YouTube and Rumble about your use of his works, and include a description of the content of the takedown notice or notices he sent to Rumble. If you have copies of the takedown notices, you may upload them as supplemental documents with your amended claim.

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](mailto: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.