



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0249

United States Copyright Claims Board

Mohamad S. Hasan

CLAIMANT

v.

Beckman Coulter, Inc. and Liliana M. Tejidor

RESPONDENTS

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 **January 11, 2023**. 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 issue 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.

Copyright Infringement – Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering “a completed application, a deposit, and the required fee” to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). In the “Works infringed” section of your claim, you state that the Copyright Office has not registered the allegedly infringed work, and you do not provide a service request number for a pending registration application for the work.

To address this issue, if you file an amended claim, please include the registration number for the work or a service request number for an application to register the work. Either the registration must have been issued or the application must have been delivered to the Copyright Office before you filed your claim on November 26, 2022. If your work was neither registered nor subject to a pending application at that time, the claim for copyright infringement cannot be successfully amended and should not be included in an amended claim. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement – Co-Owner

Your copyright infringement claim also lists one of the respondents, Liliana Tejidor, as one of the co-owners of the copyright in the allegedly infringed work. Supplemental documents filed with the claim further describe Liliana Tejidor as one of the other authors of the work, and as “Project Lead, Beckman employee, and significant contributor to this project.” An owner or co-owner of a copyright in a work cannot be liable for infringement of that copyright. Information about joint ownership of a copyright is available at pages 9-10 of the [Responding to an Infringement Claim](#) chapter of the CCB Handbook. If you file an amended claim, you must remove Liliana Tejidor from either the list of respondents or, if truthful, remove her from the list of co-owners of the copyright in the allegedly infringed work, because an infringement claim cannot proceed against a co-owner.

Copyright Infringement – Permissible Claim

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital Millennium Copyright Act.

You checked the box stating your claim was one of copyright infringement. In your claim, however, rather than present allegations of how the respondents infringed your work by using it in a way protected by copyright law without your permission, your allegations appear to be almost entirely related to a dispute over credit or acknowledgement or potentially related to ownership of the work at issue. Such a claim cannot be heard by the Board.

Please review [Circular 1: Copyright Basics](#) and 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 believe you actually have a claim under copyright law that can be heard by the CCB. For more information about what is required to support a claim of infringement, noninfringement, or misrepresentation please refer to the CCB Handbook:

- [Starting an Infringement Claim](#)
- [Starting a Noninfringement Claim](#)
- [Starting a Misrepresentation Claim](#)

Section 512(f) – Misrepresentation

You are also bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). Your claim must make enough factual allegations to support each “element” of the claim. The elements of a misrepresentation claim are that:

1. The respondent sent an online service provider either
 - a. a takedown notice claiming online content or activity was infringing, or
 - b. a counter-notice denying infringement 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 takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider’s decision to take down or repost the content,
5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). The misrepresentation allegations in your claim do not describe a violation of section 512(f).

To violate section 512(f), a statement must misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)-(2). Your claim does not provide information about the respondents making any statement that the work is an infringement, or that access to the work was wrongly removed or disabled. A misrepresentation that violates section 512(f) must be a false statement made to an online service provider about the posting of a copyright-protected work. Your claim does not provide information about how the respondents made a misrepresentation in a takedown notice or counter-notice to an online service provider. Instead, you state that no one sent a takedown notice, and what you refer to as a “counter-notice” appears to be not a counter-notice to an online service provider, but a settlement demand letter that an attorney sent to Liliana Tejidor on your behalf. A misrepresentation claim must allege that the *respondent* made a false or incorrect statement to an online service provider. Your allegations about statements made *to* a respondent do not support a claim under section 512.

If you submit an amended claim to support your claim of misrepresentation, you must provide additional facts to show that a takedown notice or counter-notice, sent to an online service provider by a respondent, included a false or incorrect statement of fact (that material or activity was infringing, or was removed by mistake or misidentification), and show or explain why the statement was false or incorrect.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

December 12, 2022