



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0216

August 3, 2023

Videohat LLC

CLAIMANT

v.

YouTube LLC

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended. Although you have the right to submit a second amended claim, as discussed below, this claim cannot be successfully amended and cannot proceed.

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 works or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). Either the registration must have been issued, or the application, deposit, and fee must have been delivered to the Copyright Office, ***before*** you filed your claim on June 26, 2023.

In the “Works infringed” section of your claim, you state that the Copyright Office has not registered the allegedly infringed work, and you provide a service request number (“1-12615308871”) for a pending registration application for the work. A Board search of Copyright Office records indicates that the application for “Works Published on the Album Best of Al Hadra Band” was submitted on May 28, 2023, however, the application was not complete until July 27, 2023. Copyright Office records for this application indicate that a deposit copy of the work was not received before the claim in this proceeding was filed. The term “deposit copy” refers to the copy or copies of a work that must be submitted to the Copyright Office with an application for registration. Office records show that the registration deposit copies were not uploaded until July 26 and 27, 2023.

The Board cannot hear this claim because a deposit copy of the work was not delivered to the Copyright Office ***before*** the initial claim was filed. *See* 17 U.S.C. § 1505(a); 37 CFR § 221.1. You will need to refile your claim before the Board as a new claim in a new proceeding. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the July 14, 2023, **Order to Amend Noncompliant Claim**. However, as noted above, this claim cannot be successfully amended and cannot proceed. Because you technically have a right to submit a second amended complaint, we are providing instructions on how to do so. This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed. 17 U.S.C. § 1506(f)(1)(B). Instead, you may wish to refile your claim as a new claim in a new proceeding, which would resolve the issues raised above.

To submit a second 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.