



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0214
August 1, 2024

Saad Hashmami

CLAIMANT

v.

Shahid Anwar, Shahid Anwar, LLC

RESPONDENTS

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 **September 3, 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. 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

You are bringing a claim of misrepresentation in connection with a takedown notice or 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 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 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). Your claim is unclear because it does not provide enough information about the content of the respondent's takedown notice and the actions of the online service provider. When you submit an amended claim, you must state facts in support of each element of the claim.

Takedown Notice

To support your claim of misrepresentation, you must provide additional facts about the takedown notice you received. A copyright owner can provide a takedown notice to an online service provider, notifying them that someone posted infringing content on the service provider's system or network and demanding it be taken down.

In your claim, you describe the takedown notice you received as "[c]laims that there is some of his Tiktok Video in several of Claimant's videos." Your description of the content of the takedown appears to characterize the notice but does not include the full content of the takedown notice or the exact words that made up the alleged misrepresentation. The claim must include the words in the takedown notice that you allege were a misrepresentation and an explanation of the alleged misrepresentation. 37 C.F.R. §§ 222.2(c)(9)(vi)-(vii). To correct this issue, you must include additional information describing the content of the takedown notice or attach it to the claim as a supplementary document.

Reliance by Online Service Provider

You must also allege that the online service provider relied on a misrepresentation in the takedown notice and that you were harmed as a result. Typically, the harm suffered due to a representation in a takedown notice would occur because the online service provider has removed access to your material. See the CCB Handbook chapter on [Starting a Misrepresentation Claim](#) at p. 4 ("To win a misrepresentation claim, you must show that the misrepresentation was material enough to have caused the online service provider to remove or repost the work. A misrepresentation isn't important or significant if the service provider wouldn't have relied on it or used it as the basis to remove or repost the content in question.").

In your claim, you have included a document that appears to show that your YouTube channel was disabled but it is unclear if it was disabled due to this particular alleged misrepresentation. You have not alleged that YouTube removed access to your video; nor have you alleged any harm resulting from such a removal of access due to this particular alleged misrepresentation.

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 Attorney