



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0101
April 7, 2025

jean-phillipe grange

CLAIMANT

v.

offshorealert - David Marchant

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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. If you wish to proceed with this claim, you must file a second amended claim in this proceeding by **May 7, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You should not file an amended claim if you do not believe you can resolve these issues. 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.

Respondent – Clarity

Your amended claim includes unclear information about who you are bringing the claim against (called a “respondent”). You identify the respondent as an organization, but you list a person named David Marchant as a respondent. In the same entry you also list Offshorealert, which you describe elsewhere as a blog Mr. Marchant owns and operates. It is not clear if you intend to bring the claim against Mr. Marchant, Offshorealert, or both.

To address this issue in a second amended claim, if you are bringing the claim against only Mr. Marchant, then you must identify him as an individual, not an organization, and omit Offshorealert from the entry naming the respondent. If you are bringing the claim against only Offshorealert, and you should only be bringing a claim against Offshorealert if Offshorealert is an actual business or organization, omit Mr. Marchant from the respondent entry. If you intend to raise the claim against both Mr. Marchant and Offshorealert, the second amended claim must include a separate entry for each respondent in the “Respondent” section.

In addition, you provide the same contact information in the “Designated service agent” fields of the “Respondent” section that you list for yourself in the “Claimant” section. If you submit a second amended claim, remove your contact information from the “Designated service agent” fields of the “Respondent” section.

Allegedly Infringing Activity

You have raised a claim of copyright infringement of a sound recording and a photograph. The facts stated in your amended claim do not appear to describe acts that would infringe your copyright in your sound recording. You allege that Mr. Marchant called your office, where all incoming calls are recorded, and spoke with you and Sam Zumbe in 2015. However, you do not indicate that Mr. Marchant ever had access to, copied, or distributed *your* recording of that phone call. Instead, for reasons explained in the March 31, 2025 Order to Amend Noncompliant Claim, it seems that Mr. Marchant made his own recording of the conversation at the same time, and that his alleged sound recording distribution was of his own recording, not yours.

The unauthorized recording of a phone conversation, or a distribution of a recording of that conversation, is not an act of copyright infringement. A claim that asserts infringement of the sound recording cannot move forward unless it presents facts that indicate that the respondent(s) had access to, and copied or distributed, your sound recording, not Mr. Marchant’s sound recording. If you cannot resolve this issue, you may omit the sound recording from the list of allegedly infringed works in the “Works infringed” section.

Statute of Limitations

Your copyright infringement claim cannot proceed based on allegations that show that you knew about all of the alleged infringing activities more than three years ago. Your amended claim appears to be based on allegations of infringement that you discovered in 2015. If you do not allege any infringing act that occurred or was discovered in 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 learns, or reasonably should have learned, of the infringement. *Nealy v. Warner Chappell Music, Inc.*, 60 F.4th 1325, 1330 (11th Cir. 2023). A proceeding before the Board cannot be commenced more than three years after the claim accrued. 17 U.S.C. § 1504(b)(1).

You allege that the infringement began in 2015 and has continued to the present. You allege that a few weeks after the 2015 phone call, you learned that Mr. Marchant had posted the sound recording and your photograph on YouTube with links to an Offshorealert page that is shown in a [document](#) filed with the amended claim. You also state that you sent multiple complaints to Google that are recorded in the Lumen database; another [document](#) appears to show some of your complaints from 2018 and 2020.

It appears that you knew of the allegedly infringing blog post and YouTube post nearly ten years ago, so any infringement claim based on those posts accrued in 2015 and cannot be raised now. Your infringement claim

cannot go forward unless you can show in a second amended claim that your allegations are based on new infringing actions taken by the respondent(s) within three years before you filed your claim with the Board on March 16, 2025. A new infringing act would open a new three-year window for raising a claim, because “a new copyright claim accrues with each discrete infringement.” *Nealy*, 60 F.4th at 1330.

You do not describe any infringing acts that occurred, or that you learned about, in the three years before you filed the claim. Your only allegation about activity in that time period is: “Its Only 8 Months ago that Offshorealert make a new Blog in deploying an aggressive strategy to display” the URL of the 2015 Offshorealert post. However, displaying the URL of an allegedly infringing web page is not, by itself, an infringing act. If you file a second amended claim, it must include facts about some infringing use of your works that occurred during, or that you did not discover (and reasonably should not have discovered) until, the three-year period before you filed this claim on March 16, 2025. Your second amended claim should only include an alleged infringer as a respondent if you state facts about such an infringing act by that respondent.

Relief Requested

The Board is only authorized to provide remedies for certain copyright claims. Information about the forms of relief available from the Board can be found in the [Damages](#) chapter of the CCB Handbook. In the “Description of harm suffered and relief sought” section of your amended claim, you allege a wide range of activity for which the Board cannot provide relief, including criminal offenses, violations of FATCA and of Titles 12, 31, and 37 of the U.S. Code, and reputational harms. If you submit a second amended claim, do not allege that you are pursuing remedies from the Board that it may not provide.

Final Amendment

Your amended claim resolves some, but not all, of the compliance issues raised in the March 31, 2025 Order to Amend Noncompliant Claim, and it raises additional issues, also discussed in this order, that also must be resolved for the claim to move forward. **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).

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