



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0003

March 6, 2024

David Bibiyan

CLAIMANT

v.

Abdulsalam Issa

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.

If you wish to proceed with this claim, you must file a second amended claim by **April 5, 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. 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 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.

Allegedly Infringed Work

If you submit a second amended claim, it must clarify certain discrepancies between the work identified in your copyright registration and the allegedly infringed images you identify in the amended claim. You identify the allegedly infringed work as registered with Registration No. VA 2-379-026. As stated in the February 5, 2024 Order to Amend Noncompliant Claim (“February 5 Order”):

The registration covers your authorship in photographic works, specifically, in the photographs deposited with the Copyright Office to support your application for registration. A Board review of Copyright Office records found that your deposit was a 471-page PDF, with the file name “owntheavenue_catalogue_2023-2024_v5.pdf,” which appears to include more than 100 screenshots of the website OwnTheAvenue.com. The screenshots depict thousands of items of merchandise, primarily decals, stickers, and license plate frames.

In the “Works infringed” section of the amended claim, the title of the allegedly infringed work is “Pages 1-10 of exact photos ripped from OwnTheAvenue.com.” In the “Describe the work” section, you state: “Ripped entire image of license plate frames and put it into their catalogue - Exact image from our website.” In the “Describe the

infringement” section, you state: “This case is for Pages 1-10 I have included in the entire amount of license plate frames they ripped from our catalogue.” A supplemental document filed with the amended claim labeled [Items Ripped.pdf](#) includes 91 images, one per page, which you identify as depicting products available on owntheavenue.com. It appears that the images on pages 1 to 10 are the allegedly infringed images at issue in this amended claim.

However, your copyright registration does not cover all of those images. Copyright Office records show that only four of those ten images (at pages 3, 4, 7, and 9 of the Items Ripped.pdf file) appear in the deposit submitted with your application for registration. If you submit a second amended claim, it must be limited to images or other copyright-protected material within your copyright registration or within a pending application for registration that was submitted before this claim was filed, that is, before January 5, 2024. *See* 17 U.S.C. § 1505(a).

In addition, your claim partially duplicates another claim that you have pending against the same respondent. The image on page 3 of the Items Ripped.pdf file also appears on page 29 of the same file. In *Bibiyan v. Issa*, Claim No. 24-CCB-0007, you are alleging infringement of the image on page 29, among other images. This claim and Claim No. 24-CCB-0007 are both noncompliant because you cannot maintain claims of infringement over the same copyright-protected material against the same respondent in multiple proceedings at once. If you file second amended claims in both proceedings, you must omit that image from the allegedly infringed material you identify in at least one of the two proceedings, or both claims will be dismissed.

Supplemental Documents

It is not clear how several of the supplemental documents included with your amended claim support or relate to the infringing activity alleged in your amended claim. If you submit a second amended claim, please include only documents that directly pertain or relate to the claim, and provide an explanation of their relevance if it is not clear.

Supplemental documents labeled [Bigfoot Research Team Mountains Frame Display.jpg](#), [CreationDateAndTimeDataEvidence.jpg](#), and [Copyright Claims Board Infringement Sample Page.jpg](#) show images of a “Bigfoot Research Team” license plate frame. When you first filed Claim No. 24-CCB-0003, your allegations related to an image of that license plate frame, but it is not one of the allegedly infringed images on pages 1-10 of the “Items Ripped” document at issue in the amended claim. Removing unrelated images will make it easier for the Board and the respondent to understand the nature of the claim.

In addition, the CreationDateAndTimeDataEvidence.jpg file indicates that the image was created or modified on October 6, 2022, but the Certificate of Registration for VA 2-379-026 states that the registered work was completed in 2010 and first published January 1, 2011. If you do not remove that document when you amend the claim, then you must explain that apparent discrepancy, as the February 5 Order explained.

Final Amendment

Your amended claim does not resolve all of the compliance issues raised in the February 5 Order, and it raises further issues, discussed above, that also must be resolved for the claim to go 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 Attorney