



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0317
October 28, 2024

Jordan McFadden

CLAIMANT

v.

James Colwell

RESPONDENT

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 **November 27, 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.

Copyright Infringement – Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your infringement claim does not provide enough facts or clarity about the element of the claim related to the respondent’s infringing activity, as detailed below. If you file an amended claim, please provide more details and background regarding that element.

Infringing Activity – Clarity

Your claim does not present facts that clearly indicate how the respondent used your exclusive rights in the allegedly infringed work without permission. The acts you that characterize as infringing seem to be the respondent issuing a Digital Millennium Copyright Act (DMCA) takedown notice to Twitter and a copyright strike to YouTube. Sending notices that accuse you of infringement would not, by itself, infringe your copyright.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

In the “Works infringed” section of the claim, you list one allegedly infringed work titled “Falter admitting the #WorldwalkerUniverse hashtag is mine - A Critique.” You describe that work as a “video discussing and criticizing FalterXV,” which you identify as the respondent’s alias. In the “Where the alleged infringing acts occurred” section, you allege that infringement took place on “X/Twitter via a dmca” notification, and on “Youtube via a report of the content.” A document filed with the claim ([Exhibit A1.pdf](#)) shows that the respondent sent a takedown notice to Twitter that accused you of posting his YouTube video on Twitter without his consent; you allege that the notice helped lead to Twitter suspending your account. You also allege that you now have a copyright strike on your YouTube channel, after the respondent sent YouTube a report about content on that channel. Those allegations indicate that the respondent accused you of infringement on Twitter and YouTube, but they do not describe actions taken by the respondent that relate to public display, reproduction, or distribution of your work.

You also allege that you sent a DMCA takedown notice to YouTube about the respondent’s video, and that he sent YouTube a counter-notice, but you do not include clear allegations about how that video infringed your work. You indicate that the respondent’s DMCA notice falsely asserted that your video “was a 1-1 reupload” of his work, but you do not include allegations of any substantial similarity between the two videos. Your general assertion that the respondent has “infring[ed] on my copyright by reproducing my content” is not specific enough to indicate how any work by the respondent infringed your copyright.

Without further explanation, those statements do not allege sufficient facts to understand how the respondent may have infringed your rights. To address this issue in an amended claim, please provide more details and background regarding the alleged infringement. You must state facts that describe acts by respondent that constitute copyright infringement.

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