



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0252

October 20, 2023

George T Jones, Wendy Papula

CLAIMANTS

v.

Starbucks Corporation

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 **November 20, 2023**. 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 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 amended 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 Claim – No misrepresentation

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). However, the allegations and supplemental documentation included with your claim do not appear to describe a copyright takedown under 17 U.S.C. § 512. The notice from eBay described in the claim states: “The listings are unlawfully using Starbucks trademarked design logo/name on the products which are not manufactured by or affiliated with the rights holder. The use of the rights holder's trademark name is deceptive and misleading (Trademark:1815938).” Thus, it appears that you are alleging a misrepresentation in connection with a trademark under eBay’s counterfeit policy and not a misrepresentation claim in connection with a copyright.

Copyright protects original works of authorship such as audiovisual and sound recordings, books, photographs and paintings, while a trademark protects words, phrases, symbols, or designs identifying the source of the goods or services of one party and distinguishing them from those of others. Some brand names, trade names, slogans, logos and labels may be entitled to protection under the general rules of law relating to unfair competition or to

registration under the provisions of the trademark laws. For information on trademark go to www.uspto.gov.

Because you allege that respondent based its takedown notice on its trademarked design logo/name this is not the type of claim that can be heard by the CCB. You should only file a misrepresentation claim if you believe you actually have a claim under copyright law that could be heard by the CCB. Please review the [Starting a Misrepresentation Claim](#) in the CCB Handbook for more information.

Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the September 12, 2023 Order to Amend Noncompliant Claim. **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 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.

Copyright Claims Attorney