



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0217  
September 13, 2023

Fintelegram

CLAIMANT

v.

Capital Solutions Ltd

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. You have not resolved all of the issues raised in the noncompliance order issued July 26, 2023, and additional issues discussed below must also be resolved. 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 **October 13, 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 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 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

Your claim, as amended, still does not allege enough facts to support a claim of misrepresentation under 17 U.S.C. § 512(f). As the July 26, 2023 noncompliance order explained, a “misrepresentation under section 512(f) involves false or incorrect statements of fact, made to an online service provider, related to a copyright-protected work posted online. To violate section 512(f), a statement must misrepresent ‘that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.’ 17 U.S.C. § 512(f)(1)-(2).” You have not identified facts that indicate that any statement by the respondent would violate section 512(f).

You allege that you sent Google a takedown notice seeking the removal of certain content on gripeo.com and criminalaffair.com, and that the respondent sent two counternotices in response to have the content restored. You contend that the counternotices were “fake” because, though sent from India, they indicate that the people who

sent them reside elsewhere, and because the people who sent them listed names, companies, addresses, and email addresses. However, those alleged misstatements about the identity, location, and contact information of the counter-notifiers are not section 512(f) violations. You have not alleged that the respondent made any false statement that the allegedly infringing content was wrongly removed.

If you file a second amended claim, it must describe a false or incorrect statement that the respondent made about the allegedly infringing content on gripeo.com and criminalaffair.com, not just about the respondent's name, location, or contact information, and must explain why that statement in the counter-notice was false or incorrect.

More information about the elements required to assert a claim of misrepresentation is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook.

## Authorized Representative

In proceedings before the Board, a business entity may be represented by:

- (1) A member in good standing of the bar of the highest court of a State, the District of Columbia, or any territory or commonwealth of the United States;
- (2) A law student who meets the requirements set forth in 37 CFR 234.1;
- (3) An owner, partner, officer, or member of the business entity; or
- (4) An authorized employee.

37 C.F.R. § 232.6(b)(1)-(4).

Based on the information currently before the Board, it is not clear that Sheikh Mohammad Akram Sheikh Mohammad Anwar (“Anwar”), who filed the claim on your behalf, is qualified to represent you. While the claim names Anwar as your authorized representative and certifies that his role is as your “in-house attorney,” his eCCB registration profile identifies him as the authorized representative of Reputation Law, not of Fintelegram. The claim and the eCCB profile both list a Dubai address for Anwar and do not indicate that he is a member in good standing of any United States bar. Further, in a separate proceeding also initiated by Anwar, *TheForexReview v. Cyber Intelligence Services LLC*, 23-CCB-0220, the claim listed a different email address and telephone number for Anwar than in this proceeding, though he filed that claim just two days after yours.

Moreover, an “in-house attorney” representing a business entity would ordinarily be an authorized employee. Within thirty days of an “authorized employee’s initial appearance, the representative also must submit written authorization, signed by an owner, partner, officer, or member of the business entity under penalty of perjury, stating that the representative may bind that entity on matters pending before the Board.” 37 C.F.R. § 232.6(c).

If Anwar is to continue to represent you in this proceeding, you must clarify his status by providing additional information about his qualifications. If he qualifies only as an authorized employee, then the required written authorization is more than a month overdue, and must be submitted before you file a second amended claim.

More information about representation is available in the [Representation](#) chapter of the CCB Handbook.

## Final Amendment

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](mailto: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