



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0279

September 22, 2023

Lisa Corson

CLAIMANT

v.

Sysco Hawai'i, Sysco Corporation,  
and HFM FoodService

RESPONDENT

## ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **October 23, 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. 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.

### Proper Respondent

Your claim does not state enough facts to support a copyright infringement claim against one of the respondents, Sysco Corporation. The “Describe the infringement” section describes allegedly infringing acts by the other two respondents. You allege that HFM FoodService engaged in the initial infringing acts by reproducing your photograph without a license in the 2019 issue of *FoodService in Paradise* magazine and online. You also allege that HFM FoodService became Sysco Hawai'i later in 2019, and that Sysco Hawai'i continues to display the infringing use online through its Issuu account. However, your allegations do not clearly refer to Sysco Corporation and do not make clear how it engaged in any allegedly infringing activity. Your allegations about “Sysco” are not clear about which entity is being discussed, and you do not indicate any relationship that Sysco Corporation has with the other respondents or with their allegedly infringing acts.

To address this issue, if you file an amended claim, it must include specific facts that provide a basis for raising the claim against each named respondent. If Sysco Corporation and Sysco Hawai'i are separate entities (for example, if Sysco Corporation is the corporate parent of Sysco Hawai'i), your amended claim must include facts that indicate why Sysco Corporation should be held liable as an infringer, or you should not include Sysco Corporation

as a respondent. In the alternative, if they are not separate entities, your amended claim should not name both entities as respondents. For example, if Sysco Hawai'i is simply a division of Sysco Corporation, you need not name Sysco Hawai'i as a respondent because a company's division is not a proper respondent. In any case, you should restate your allegations about "Sysco" to clarify if they refer to Sysco Hawai'i, Sysco Corporation, or some other entity.

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](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