



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0302
September 26, 2023

Raymond Charles T Philip

CLAIMANT

v.

David R. Brandon, Mr.; David Brandon, Mr.

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 **October 26, 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.

Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the U.S. Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

In your claim, you state that the work is not registered. A search of Copyright Office records does not reveal any registration applications with the number (“19008230823S092”) that you provided, or any pending registration applications under your name. To address this issue, if you file an amended claim, please provide the registration number for the work or the service request number for the application to register the work.

It appears that the number you provided was a number from a private company, ProtectMyWork.com. A record provided by a private company is not a substitute from a copyright registration issued by the Copyright Office. Either the registration must have been issued by the Copyright Office or the application must have been delivered to the Copyright Office before you filed your claim on September 13, 2023. If your work was neither registered nor subject to a pending application at that time, this claim cannot be successfully amended and cannot

proceed. Instead, you would need to apply to register the copyright for your work before you are able to refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Impermissible Claim

The Board is only authorized to resolve certain types of copyright disputes. Three particular kinds of claims are permitted:

1. claims of copyright infringement;
2. claims seeking a declaration that activity is not infringement; and
3. claims about misrepresentations in connection with a takedown notice or counter-notice under the Digital Millennium Copyright Act.

You checked the box stating your claim was one of copyright infringement. In your claim, however, you include allegations that implicate a patent dispute. The work is described as the “design of a foldable stem for BMX handlebars and heavy e-bikes.” The claim has multiple references to patent and you state that the respondent’s product has “all components, processing, and manufacturing same as ours.” You also state that you “developed [the] work starting in 2020. It’s been a 3 year work, of research, testing, re-designing, and market surveying.” The supplemental documents contain a variety of technical drawings displaying various aspects of the X1 Stem product. All of these allegations suggest that you intended to bring a claim for patent infringement, which is beyond the scope of the CCB.

Please review the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. You should only file an amended claim if you believe you actually have a claim under copyright law that can be heard by the CCB. For more information about what is required to support a claim of infringement, noninfringement, or misrepresentation please refer to the CCB Handbook:

- [Starting an Infringement Claim](#)
- [Starting a Noninfringement Claim](#)
- [Starting a Misrepresentation Claim](#)

Because you have filed a claim that does not appear to be related to copyright and is not based on a work covered by a registration or pending application for registration, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the registration issue, the Board will engage in a full compliance review, so you should review the [CCB Handbook](#) and make sure the rest of your amended claim is compliant.

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