



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0065

February 20, 2025

Chareese D. Hayes

CLAIMANT

v.

Kimberly Griffin

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 **March 24, 2025**. 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.

### **Allegedly Infringed Works – Clarity**

You have raised a copyright infringement claim before the Board. Your claim does not make clear which specific work or works you claim were infringed.

In the “Works infringed” section of your claim, you list the title of the allegedly infringed work as “photo,” which suggests only one photograph is at issue. However, your allegations in the “Describe the infringement” section discuss the use of multiple “photos” and “images.” You list 1-14755775901 as the service request number of a pending application for copyright registration, and Copyright Office records for that application show that you submitted seventeen files of photographic images as deposit copies with the application. It is not clear which of those seventeen images you claim were infringed. You uploaded three image files along with your claim, and one of those images (labeled [Screenshot 2025-02-12 123939.jpg](#)) is also one the seventeen deposits in your pending application, but the other two uploaded images are not among the deposits. It is not clear if you mean that the Screenshot 2025-02-12 123939.jpg image, or all three uploaded images, were infringed.

If you file an amended claim, you must identify the allegedly infringed work or works more clearly. Each allegedly infringed work should be listed in separate entries in the “Works infringed” section, providing separate

titles for each work. A claim before the Board can only allege infringement of works that were already registered by the Copyright Office, or were part of an application for registration that was filed, before the infringement claim. Therefore, any work you list in the “Works infringed” section of your amended claim must have been registered before you filed this claim on February 12, 2025, or been part of a pending application for registration on that date.

### **Access**

Your claim does not provide facts that indicate how the respondent had access to your works before the alleged infringement. “Access” means a reasonable opportunity to see or copy your works before the alleged infringement took place. You assert that the respondent “used photos that I designed, created, and own without my permission,” but you do not present information that indicates where or how your photos were available for the respondent, or anyone else, to access in the first place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your works (a) were sent directly to the respondent, or to a close associate of the respondent; (b) were widely disseminated or available to the respondent; or (c) are so strikingly similar to the allegedly infringing works that the respondent could not have created its works independently.

Alternatively, you can upload copies of your works and the allegedly infringing works if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

### **Substantial Similarity**

Your claim also does not include enough facts that explain the similarities between your works and the respondents’ allegedly infringing works. If it is not readily apparent from supplemental documents submitted with the claim, you must provide some specific allegations about how the allegedly infringing works are substantially similar or identical to your works.

Your claim does not include a description of any of your works or any allegedly infringing works. You include three image files, but they are not clearly labeled to indicate if they are your works or the respondent’s works, and you do not clearly present images of both your works and the respondent’s works for comparison. As a result, the claim does not provide enough information to enable the Board to understand the similarity of the works.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which of your works were taken by the respondent in the allegedly infringing works, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

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 Board