



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0163
July 15, 2024

David Bibiyan

CLAIMANT

v.

Abdulsalam Issa and Ahmed Issa

RESPONDENTS

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 **August 14, 2024**. 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.

Infringing Activity

Your copyright infringement claim still does not provide enough facts about how the respondents engaged in infringing activity. It is not clear what aspects of your copyright-protected authorship you allege they infringed.

In the “Works infringed” section, you list a photographic work titled “Own the Avenue Website,” which you describe as “[p]hotographs of my website and my intellectual property for OwnTheAvenue.com.” You list Registration No. VA 2-379-026 for the work. The Certificate of Registration for that work states, “Registration does not extend to any useful article depicted. Registration extends to deposited photographs only.” Your registration appears to cover photographic images on a website that depicts hundreds of articles of merchandise, mainly license plate frames bearing different short messages. However, your registration does not cover the content or design of any merchandise depicted in the photographs. It covers only *photographic* authorship. Distributing or displaying images of different license plate frames, even ones with the same messages or the same general appearance as the ones depicted in your images, would not by itself infringe that authorship.

Photographic authorship is the creative expression created in an original photograph, not in the subject of the photograph. Elements of photographic authorship may include, among other things, the choice of lens, shutter speed, film, and filters; camera angle and perspective; positioning and layout; lighting and shading; background selection; digital alterations and enhancements; and photographic printing. More information about copyrightable authorship in photographs is available in Section 909 of [Chapter 900](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

Your amended claim does not clearly identify the creative expression in your registered work that you claim was infringed. Your general allegation that “these photos were created and composed by me” does not provide enough information. In other allegations, and supplemental documents filed with the amended claim, you indicate that the respondents copied or altered certain images of merchandise that appear in your registered work to make their merchandise, and you emphasize similarities in the appearance of the respondents’ license plate frames. However, it is not apparent what aspects of your *photographic* authorship the respondents used, as opposed to the content or designs that appear on the merchandise shown in your photographs. As stated in the June 14, 2024 noncompliance order: “Some of the supplemental documents filed with your claim leave it unclear if the respondents actually infringed the photographic images themselves, for example, by directly copying, distributing, or displaying the registered images, or altered versions of those images.”

To address this issue in a second amended claim, you must identify elements of the photographic authorship covered by your copyright registration, such as those listed above in this order, and state facts that indicate how the respondents used those elements in their allegedly infringing works. You should be as detailed as possible, setting forth what the respondents did in relation to the work you allege was infringed.

Final Amendment

Your amended claim resolved some, but not all, of the issues raised in the June 14, 2024 noncompliance order. **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 supplementary 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