



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0153
July 14, 2023

Silverline Custom Homes, a protected series of
J.A. Holdings and Development, LLC

v.

Townsville Realty LLC and Hazael Milan

CLAIMANT

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. While you have resolved the compliance issues raised in the noncompliance order issued on June 7, 2023, additional issues explained below also must be resolved for the claim to go forward.

If you wish to proceed with this claim, you must file a second amended claim by **August 14, 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.

Relief Sought

The “Description of harm suffered and relief sought” section of the claim indicates that you are seeking \$30,000 in statutory damages for copyright infringement. That is a larger statutory damages award than the Board can grant for this type of claim.

The most that respondents can be ordered to pay in damages in a single Board proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). A claimant may choose to seek either (1) actual damages and the respondent’s profits from the infringement, or (2) statutory damages within a set range. *Id.* § 1504(e)(1)(A). The maximum amount of a statutory damages award available from the Board is \$15,000 for each work that was infringed. *Id.* § 1504(e)(1)(A)(ii)(I). In addition, if the work was unpublished, and the copyright was registered after the infringement started, the maximum statutory damages award is \$7,500 per work. *Id.* § 1504(e)(1)(A)(ii)(II); 17 U.S.C. § 412(1). More information about

the damages the Board may award in a copyright infringement claim is available at pages 6 and 16-17 of the

[Starting an Infringement Claim](#) chapter of the CCB Handbook.

You allege that the infringement began in August 2022. The certificate of registration for the allegedly infringed work states that April 4, 2023 is the effective date of registration and that the work was unpublished at that time. Therefore, if you seek statutory damages, it appears that the maximum award allowed will be \$7,500.

You are not required to choose between actual or statutory damages at this point. 17 U.S.C. § 1504(e)(1)(B). You are not required to request damages at all. *Id.* § 1504(c)(1) & (e)(1)(B)(ii). If you file a second amended claim, you may include a request for damages without giving a specific amount. If you include a request for a specific amount of damages, it cannot be more than the Board can grant.

Copyright Registration

A copyright infringement claim must include the registration number and effective date of registration for the allegedly infringed work or, if the Copyright Office has not registered the work, the service request number for a pending application to register the copyright. 37 C.F.R. §§ 221.1(b) & 222.2(c)(7)(ii)(C)-(D). In your amended claim, filed on July 2, 2023, you stated that the Copyright Office had not yet registered the work and provided the service request number for the pending application. The Copyright Office issued the registration on July 6, 2023. If you submit a second amended claim, please change the “Works infringed” section to state that the work has been registered, and include the registration number (VAu001500581) and the effective date (April 4, 2023).

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 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