



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0012  
January 30, 2025

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Axelsson Fun Factory LLC

CLAIMANT

v.

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Amazon

RESPONDENT

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## 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 **March 3, 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.

### Copyright Infringement Claim – Online Service Provider

In your responses to questions on the claim form, you allege that the respondent is an online service provider (“OSP”) and that you sent the respondent a takedown notice to remove material posted by a third-party. You also answered “no” to the question “Did the online service provider fail to expeditiously remove or disable access to the material after you sent a takedown notice?” However, you seem to contradict that answer when you state in the “Describe the infringement” section of claim that, “the seller has made a counter claim to my copyright infringement notice, but since the seller is Chinese based I am filing suit on the US based Amazon whom is responsible for hosting the content.”

As further detailed below, special rules apply to infringement claims brought against online service providers if the claim is not because they infringed the work directly, but because they stored, hosted, referred to, or linked to infringing material posted by others. In many cases, online service providers are not liable for such claims because of protections in the copyright law under section 512 of the Copyright Act.

Under the CASE Act, when a copyright infringement claim is raised against an OSP for storing, hosting, referring or linking to, infringing material, the Board must find the claim noncompliant unless the claimant affirms that:

1. the claimant sent a takedown notice to the OSP as required by section 512 of the Copyright Act, and
2. the OSP failed to remove or disable access to the material expeditiously when it received the takedown notice.

17 U.S.C. § 1506(f)(1)(C)(i); 37 C.F.R. § 222.2(c)(7)(iii)(G). Your claim is not compliant because you state that you are bringing the claim against the respondent based on their actions as an OSP, but you do not allege that the respondent failed to act promptly in response to a takedown notice. You can only bring an infringement claim against an OSP if the OSP failed to take down third party material in response to a proper takedown notice.

If you maintain that the respondent is acting as an OSP, that you sent the respondent a takedown notice about infringement by a third party, and that the respondent did not promptly redress the infringement you identified, then you must answer “Yes” to the question, “Did the online service provider fail to expeditiously remove or disable access to the material after you sent a takedown notice?” In addition, you must state facts detailing when you sent takedown notice(s) to respondent and how respondent failed to timely remove or disable access to the allegedly infringing material or attach documents to your claim that provide these facts. If you attach documents to your claim, they must be clearly labeled. Please visit the section 512 page and the discussion at pages 18-19 of the chapter [on Starting an Infringement Claim](#) in the CCB Handbook for additional information about what section 512 of the Copyright Act requires for an infringement claim against an OSP.

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