



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0063

March 12, 2024

Nadine Hokayem

CLAIMANT

v.

Alex Brecher

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 **April 11, 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. 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.

Impermissible Claim

The Board is only authorized to resolve certain types of copyright disputes, including claims of copyright infringement. Please review the [Introduction](#) chapter of the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear.

You checked the box in the claim form stating that your claim was for copyright infringement. However, your allegations appear to assert a claim of trademark infringement instead. In the “Works infringed” section of the claim, you state that the allegedly infringed work is titled “Multivitamin topical patch from Nutri-Patch,” and you describe it as: “For Mark. Class 5: Transdermal patch used to deliver vitamins.” You state that the Copyright Office has registered the copyright. However, in the space to enter the registration number, you instead list 5032762, which is a Trademark Office registration number for the word mark “Nutri-Patch” in International Class 005. That trademark registration lists the goods protected by the mark as “Trans-dermal patch used to deliver vitamins; Vitamins to the skin in the form of a transdermal patch.” Trademark law may protect words, short phrases, and product or service names, but copyright law does not. More information is available in [Circular 33: Works Not Protected By Copyright](#). The Board cannot hear trademark infringement claims.

Your allegations do not appear to raise a claim that the Board could hear. The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the 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). A Trademark Office registration is no substitute. You must have obtained, or submitted a complete application for, registration of the copyright before you filed this claim on February 27, 2024.

Because you have not included a copyright registration number or a service request number for an application to register a copyright, and your allegations appear to allege a trademark dispute, we have not reviewed the claim to determine whether it complies in other respects with the legal requirements for bringing a copyright infringement claim before the Board. You should only file an amended claim if you can state facts to support a claim under copyright law that can be heard by the Board. For more information about what is required to support a claim of infringement, please refer to the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

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