



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0250

November 27, 2024

Caleb Chan

CLAIMANT

v.

Kasra Tashakor

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On August 26, 2024, Claimant Caleb Chan filed this copyright infringement claim. The claim provided an invalid foreign address for the respondent. It included a clearly false mailing address for Respondent Kasra Tashakor, providing a street address for Respondent in Turkey but falsely indicated that the city is located in California, and with a zip code for Harrison, Ohio. The Copyright Claims Board (Board) cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). On September 9, 2024, the Board issued an Order to Amend Noncompliant Claim and an Order to Show Cause. In the Order to Show Cause, the Board ordered Claimant to show cause by September 23, 2024 why filing the claim in this form did not constitute bad-faith conduct under 37 C.F.R. §232.3, especially given the instructions and warnings on the Board's electronic filing system.

Claimant filed a response the same day, stating that "I initially provided an invalid address due to a misunderstanding of the filing requirements for foreign respondents" and that "[t]he original uploader is foreign and YouTube provided me with his foreign address by default." The response further stated: "[u]pon reading on his original statement countering my claim, copied below, I have realized that I need to update this with YouTube's address as YouTube is Respondent's employer and facilitator of their channel."

On October 2, 2024, Claimant filed an Amended Claim stating that Respondent's address was 901 Cherry Ave., San Bruno, CA 94066. That is YouTube's address. The claim stated no justification for providing YouTube's address as the address for Respondent, nor did it repeat the allegation from the response to the Order to Show Cause that YouTube was Respondent's "employer and facilitator."

The Board issued a Second Order to Amend Noncompliant Claim (the "noncompliance order") and a Second Order to Show Cause on October 16, 2024. The noncompliance order noted, among other things, that Claimant had provided YouTube's address as the address for Respondent and observed that the fact that the infringement occurred on YouTube "does not make YouTube's address a valid mailing address for the respondent." It stated that if Claimant wished to proceed with the claim, he must file a second Amended Claim by November 15, 2024. The Second Order to Show Cause noted that neither Claimant's response to the OSC nor the amended claim asserted any facts that suggest that Respondent actually resides in the United States and concluded that "The

address provided for the Respondent in the Claim must be that of the Respondent, and not of a company with which Respondent may have an association.”

On October 18, 2024, Claimant filed a response to the Second Order to Show Cause, stating that Respondent Kasra Tashakor had “explicitly agreed for YouTube’s U.S. address to be used” and that the use of YouTube’s address was done “in accordance with their policy for foreign users.” Claimant also requested “that we resolve this matter through the appropriate court system.”

No amended claim was filed in the time allowed. Accordingly, the Board shall dismiss this proceeding without Prejudice. 17 U.S.C. § 1506(f)(1)(B).

None of the justifications offered by Claimant for (1) falsifying Respondent’s address in the original claim or (2) providing YouTube’s address in the second claim are reasonable, and the Board would be justified in finding that Claimant engaged in bad faith conduct by providing false addresses for Respondent in each of the two claims. Neither agreement with a respondent nor compliance with a third party’s policies can confer jurisdiction on the Board when the CASE Act provides that the Board has no jurisdiction. However, in light of the fact that Claimant filed the Amended Claim before the Board was able to rule on the first Order to Show Cause and the Claimant chose not to file a second amended claim but apparently recognizes that his claim can only be resolved in the federal courts, the Board shall refrain from making a formal finding that Claimant has engaged in bad faith conduct.

The Board dismisses this proceeding without prejudice and closes case 24-CCB-0250. Dismissal without prejudice means the claim can be filed again in the future provided there is no agreement with respondent to the contrary.

Copyright Claims Board