



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0190
July 27, 2023

JIANGXI JUWEN TECHNOLOGY CO.,LTD

CLAIMANT

v.

Google LLC

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 **August 28, 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. 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.

Respondent Clarity

A claim for a declaration of noninfringement asks the Board to find that your actions do not amount to an infringement of the respondent's copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe. For such a claim, the respondent must be the party that accused you of infringement and the claim must describe what allegedly infringing activity the respondent has asserted you engaged in, the reasons why you believe no infringement occurred, and the reasons why you believe there is an actual controversy about the requested declaration. 37 C.F.R. §§ 222.2(c)(8)(i) & (iii)-(v). Your allegations are unclear because there are no allegations that the respondent, Google LLC, has accused you of infringement. Based on the facts set forth in the claim and the additional documentation provided with the claim it appears that Google removed your app from its Google Play app store in response to allegations by a third party, who has not been named as a respondent, that your app contained copyrighted content owned by that third party.

In your claim you list "Wattpad Corp" as the party asserting infringement and state that "Kama Reno," an individual, filed what appears to be a DMCA takedown notice to the named respondent, Google. In the description

of the allegedly infringing activity, you appear to include Reno's statement to Google. ("The readlink app has stolen many copyrighted books and they have no right to do ' pls they let please remove this infringing app immediately.") Although the claim mentions the Readink app several times it does not detail the connection between the Readink app and the claimant Jiangxi Juwen Technology. Further, you have attached a contract between the author Shaherbano Noor and READ ASAP LTD, two parties whose relationship to the alleged infringement are not mentioned in the claim. However, your claim does not include enough information about what the named respondent, Google, alleges you did to infringe their copyright. A claim is not compliant if it does not provide enough information to enable the respondent to understand the claim and respond to it.

When you submit an amended claim, your description of your activities should clarify what infringing activities Google alleges you engaged in and the claimant's relationship to Wattpad Corp and Readink. If you file an amended claim, it must specifically describe an actual dispute between you and the respondent over whether your activities infringed the respondent's copyright, and why you believe that you did not infringe. In the alternative, if one of the other entities or individuals listed in the claim is the party that has accused you of infringement, you can amend your claim to name that party as respondent and specifically describe what infringing activities that party believes you engaged in.

In your email correspondence dated June 20, 2023, you noted that you believe that you may have a claim for misrepresentation. Misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider related to a copyright-protected work posted online. Information about what is required to support a claim of misrepresentation please refer to the [Starting a Misrepresentation Chapter](#) of the CCB Handbook.

Improper Relief Sought

Your claim includes, in the "Description of harm suffered and relief sought" section, a request for relief that states "[w]e request that Google compensate Readink app developers with a loss of \$30000." This request includes relief that the CCB cannot grant. A claim for a declaration of noninfringement asks the Board to find that your actions do not amount to an infringement of the respondent's copyrighted work. Declarations of noninfringement do not include monetary relief. In your amended claim you must remove any requests for monetary relief from your claim for declaration of noninfringement. For more please refer to the [Starting a Noninfringement Claim](#) 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