



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0165  
May 22, 2025

SeraphicSparkle Studio LLC

CLAIMANT

v.

Xun Ye

RESPONDENT

## 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 **June 23, 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 Ownership

Your claim provides conflicting information about claimant SeraphicSparkle Studio LLC's (SSS) status as a legal or beneficial owner of the allegedly infringed work.

To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement.” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work.

You allege infringement of a work of sculptural jewelry titled “Crane Bird Jewelry Design.” You list Li Lin (Lin) as the author of the work and VAu001539747 as its copyright registration number. Copyright Office records list Lin as the sole author and copyright claimant (owner) of the work. In this proceeding, however, SSS is listed as the claimant, and Lin is listed as SSS's authorized representative. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining

how the claimant owns, or has an exclusive license to use, the work at issue. The claim does not present facts that indicate that SSS is a proper claimant.

To correct this issue, your amended claim must include specific allegations about how the claimant owns, or has an exclusive license to use, the work at issue. You can do this either by adding facts to the “Describe the infringement” section explaining the claimant’s ownership of exclusive rights in the work at the time of the infringement, or by submitting supplemental documents that demonstrate the claimant’s rights. For example, if Lin exclusively licensed the work (or the exclusive rights at issue) to SSS, then SSS would be an appropriate claimant and the amended claim should state that the work was exclusively licensed to SSS. If you include a copy of an assignment or license as a supplemental document, it must be clearly labeled and identified.

Alternatively, if Lin is the copyright owner and has not given SSS exclusive rights to the work or assigned the rights to SSS, then the amended claim should change the name of the claimant to Li Lin.

### **Substantial Similarity**

Your claim does not include enough facts to indicate how the allegedly infringing work is substantially similar to original, expressive elements of your work that copyright protects. To address this issue, if you file an amended claim, you must include more information about how creative elements of your work and of the allegedly infringing work are identical or substantially similar.

Copyright protection only extends to the specific creative expression in a work that is original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313.4 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Not all elements of a creative work are protected by copyright, and not all similarities are infringing. For example, copyright law does not protect ideas or facts. Copyright can only protect the particular way that such things are expressed. In addition, copyright does not protect expressions that are standard or common to a particular subject matter. In the context of a realistic animal sculpture, there is no copyright protection for elements of the actual animal’s body parts or physiology because they are not original to the author. An alleged infringer must have copied your original elements of expression, not elements found in nature.

Your claim provides conflicting information about the similarities between your work and the allegedly infringing work. You describe your work as “a handcrafted sterling silver crane in flight, featuring distinct wing positioning, detailed feather texture, and a stylized body form,” and you assert that the “respondent’s design closely mimics the same pose, silhouette, wing shape, and artistic elements.” You have provided images of the works in supplemental documents, which show that both works depict cranes in flight. However, copyright does not protect elements that are typical of the physiology of cranes, and the images do not show that respondent’s design copied original elements of your work. The wings have distinct positions and feather compositions, the heads and necks are at different angles, and the legs have distinct designs. It does not appear that the works express elements of the same design, rather than the idea of a crane in flight. Copyright does not prevent other authors from creating different images of cranes. Your claim does not provide enough information to state or show how material in the

works that copyright protects are substantially similar.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show substantial similarity in material that copyright protects. More information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

## Relief

In the “Description of harm suffered and relief sought” section of the claim, you request forms of relief that the Board cannot provide.

You request “[a]n order barring the respondent from reposting, selling, or otherwise distributing the infringing work.” Unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an “injunction”) unless the respondent notifies the Board that, if found liable for infringement, they will stop or modify the activity. (Respondents may decide to agree to stop or modify their infringing activity because, if they are found liable, the Board may consider that agreement when it decides how much to award as damages.) While you can state in your claim that you would like the respondent to agree to stop or modify their activities, you cannot demand it as part of your claim.

You also request “[s]tatutory damages under 17 U.S.C. § 504 for willful copyright infringement.” The Board cannot enhance damages awards based on willfulness and does not consider willfulness when making an award of statutory damages. 17 U.S.C. § 1504(e)(1)(A)(ii)(III). In addition, statutory damages in a Board proceeding are awarded under 17 U.S.C. § 1504(e)(1), which sets a lower maximum than 17 U.S.C. § 504, of \$15,000 for each work that was infringed. 17 U.S.C. § 1504(e)(1)(A)(ii)(I). Also, if your work was (1) unpublished and the copyright was registered after the infringement started, or (2) published and the copyright was registered both after the infringement started and more than three months after the publication of your work, the maximum statutory damages is \$7,500 per work. 17 U.S.C. § 1504(e)(1)(A)(ii)(II); 17 U.S.C. § 412(1). Because your claim indicates that your work was unpublished when the alleged infringement began in March 2024, and the registration issued with an effective date of August 24, 2024, the most that the Board could award you in statutory damages is \$7,500.

To address this issue in an amended claim, do not seek relief that the Board cannot grant. Your amended claim may not claim willfulness as a basis for awarding statutory damages, seek statutory damages under 17 U.S.C. § 504, or seek more than \$7,500 in statutory damages.

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