



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0297  
December 4, 2024

Dario E Ortiz de la Hoz

CLAIMANT

v.

Ranphys D. Ortiz De Leon and  
RR Entertainment Music Corporation

RESPONDENTS

## SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. Your infringement claim is largely compliant, but your claim cannot move forward unless your misrepresentation claim is properly amended or is omitted.

If you wish to proceed with this claim, you must file an amended claim by **January 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second 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 Registration

You have raised a claim of copyright infringement before the Board. The claim must include the copyright registration number and effective date of registration for each allegedly infringed work or, if it has not yet been registered, the service request number for a pending application to register the copyright. 37 C.F.R. §§ 221.1(b) & 222.2(c)(7)(ii)(C)-(D). When you filed the claim, you listed eight sound recordings in the “Works infringed” section, and correctly provided the registration numbers for the registered works and service request numbers for applications to register the others. Registrations have since issued for two more of those recordings. If you submit a second amended claim, use the drop-down menu in the “Works infringed” section to state that the copyright has been registered for both *EL ECO DE TU ADIOS and 9 Other Unpublished Works* (Registration No. SRu001592025) and *LO QUE NO SE DEBLA SABER and 1 Other Unpublished Works* (Registration No. SRu001592010), and include the registration numbers and the October 4, 2024 effective date of registration for both works.

## Misrepresentation - Reliance by Online Service Provider

You are also bringing a claim of misrepresentation in connection with a counter-notice under 17 U.S.C. § 512(f). That claim can only proceed if it presents facts that indicate that an online service provider (OSP), relying on a misrepresentation in a counter-notice, restored allegedly infringing content before you filed this claim on October 6, 2024. As the October 18, 2024 Order to Amend Noncompliant Claim explained,

A misrepresentation in a counter-notice only violates section 512(f) of the Copyright Act if it falsely states “that material or activity was removed or disabled by mistake or misidentification”—*and* the OSP then relies on that misrepresentation to restore the allegedly infringing material or activity. 17 U.S.C. § 512(f)(2). You do not present such facts. . . . If YouTube had restored the allegedly infringing videos by the time you filed this claim on October 6, 2024, your amended claim must state facts about that restoration. Otherwise, this misrepresentation claim cannot move forward, and you must omit it from any amended claim.

In your amended claim, you allege that you sent takedown notices to YouTube and other OSPs, and that Ranphys Ortiz sent counter-notices to YouTube that contained misrepresentations, requesting the restoration of certain allegedly infringing videos. However, your amended claim does not present information that indicates that an OSP relied on a misrepresentation in a counter-notice to restore allegedly infringing material. You allege that infringing videos and posts have been reposted, but you do not allege that YouTube or any other OSP reposted them, so your allegations still do not support the elements of a section 512(f) misrepresentation claim. For example, if Ranphys Ortiz reposted the allegedly infringing material, that fact may support an infringement claim, but it would not support a misrepresentation claim.

If an OSP restored allegedly infringing material before you filed your initial claim on October 6, 2024, your second amended claim must state facts about that restoration. However, if no OSP restored any allegedly infringing material before your filing on October 6th, **you should not file an amended misrepresentation claim.**

## Final Amendment

Your amended claim resolves some, but not all, of the compliance issues raised in the October 18, 2024 Order to Amend Noncompliant Claim. The remaining issues, also discussed in this order, must be resolved for the claim to move forward. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

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