



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0215

## United States Copyright Claims Board

Dolls Kill, Inc.

CLAIMANT

v.

BMEssentials

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 **December 12, 2022**. 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 Infringement Claim – Registration

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). Your claim does not identify a valid registration or a pending registration application for one of the three allegedly infringed photographs.

Your claim describes one of your three allegedly infringed works as a “Photo of Butterfly Boots,” titled “Terrarium Butterfly Boots photo,” and alleges that the Copyright Office registered the copyright for that work with registration number VA000230069. However, a search of Copyright Office records does not reveal a registration for a work with that registration number or a registration issued to claimant Dolls Kill, Inc. for a work with that title.

To address this issue, if you include “Terrarium Butterfly Boots photo” as one of the allegedly infringed works in an amended claim, please provide a valid registration number for that work or the service request number for a pending application to register the work. Either the registration must have been issued or the application must have been delivered to the Copyright Office before you filed your claim on October 26, 2022. Furthermore, even though you have attached your other works as supplemental documents, your claim does not include a copy of “Terrarium Butterfly Boots photo” as a supplemental document, or describe, state, or show how the work and any allegedly infringing work are substantially similar. If you submit an amended claim that maintains that the respondent infringed the “Terrarium Butterfly Boots photo,” include more specific allegations or documents that support a claim that the respondent used an identical or substantially similar work.

If the work was neither registered nor subject to a pending application on October 26, 2022, you cannot successfully maintain a claim for infringement of that work in this proceeding. You would need to apply to register the copyright for that work before you could refile a new claim for infringement of that work. For more information about registration, please refer to the Copyright Office [Registration Portal](#). Alternatively, you may file an amended claim that omits the “Terrarium Butterfly Boots photo” from the list of allegedly infringed works.

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 supplementary 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.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

November 10, 2022