



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0251

September 5, 2024

Ethen Chen

CLAIMANT

v.

John-Michael Popovici

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 **October 7, 2024**. 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.

Misrepresentation – Clarity

You have raised a claim of misrepresentation in connection with a DMCA takedown notice sent to an online service provider (OSP) under 17 U.S.C. § 512(f). To violate section 512(f), a takedown notice must falsely claim that copyright-protected work online is infringing, and the OSP must rely on that false claim to remove or disable access to the work. Your allegations do not clearly identify such an allegedly false statement in the takedown notice or explain why it was false. Your claim must provide the words of the alleged misrepresentation and an explanation of the alleged misrepresentation. 37 C.F.R. §§ 222.2(c)(9)(vi)-(vii).

You allege that the respondent sent a takedown notice to Valve Software on August 21, 2024. Documents filed with the claim ([JohnMichael Claims EWS Email 1.png](#) and [JohnMichael Claims EWS Email 2.png](#)) seem to show screenshots of an email from Valve Software informing you of the takedown notice. It appears that the respondent asserted that a workshop item you posted in the Steam community for the video game “Starbound” infringed on his rights, and that your workshop item “needs to be removed so that I can resubmit it under my name as the actual copyright owner.” Those documents seem to include the content of the takedown notice, but you have not specified any statement in the notice that you see as a misrepresentation or explained what made it false.

Where the claim form asked you to “[d]escribe the content of the takedown notice(s),” you instead identified the disputed work: “Steam Workshop item ‘Evolved Weapons System.’” Where the claim form asked for the “[w]ords that made up the misrepresentation and explanation of the misrepresentation,” you instead discussed the respondent obtaining a copyright registration for material that you claim to own: “John-Michael Popovici registered a copyright for online material that I rightfully created and owned.” Those responses do not describe any false statement in the takedown notice or in any other statement the respondent made to Valve Software. In another document filed with the claim ([EWS MISREPRESENTATION CASE OUTLINE.docx](#)), you include further allegations and call the takedown “fraudulent,” but that document also does not identify any particular statement in the takedown notice as false or explain its alleged falsity.

If you file an amended claim, it must present facts to show that the respondent falsely indicated to Valve Software that your use of his work was infringing. You must specify which statement in the takedown notice was false and explain how it was false. You should use the actual claim form to make a clear statement of what was false and why it was false. While you may attach a separate document that recites additional facts, the relevant facts should be included in the claim form responses. Furthermore, if you do file a separate document to recite additional facts, please make them clear and keep them relevant to the claim at issue.

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