



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0179
May 14, 2025

Tanaesa Costa

CLAIMANT

v.

April Young

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 13, 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.

Access

Your copyright infringement claim does not provide facts about how the respondent had access to your work. “Access” means a reasonable opportunity to see or copy your works before the alleged infringement took place. You describe the allegedly infringed work as a “live stream video” titled “and we wait for Carmen,” and you allege that the respondent publicly displayed a recording of the video on her YouTube channel from August 2024 until recently, when you issued a “copyright strike” via YouTube. However, you do not detail where or how the respondent had a reasonable opportunity to view or copy your video before her display.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your video (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was reasonably available to the respondent; or (c) is so strikingly similar to the video on the respondent’s YouTube channel that the respondent could not have created it independently.

Alternatively, you can upload copies of your video and the respondent’s video if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the

works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Substantial Similarity

Your claim also does not include enough facts that explain the similarities between your video and the respondent's video. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your video and the allegedly infringing video are identical or substantially similar.

You accuse the respondent of "taking my own content to claim as hers" and having a "screen recording" on her YouTube channel, but you do not state or show how the video on her channel and your video are identical or substantially similar. You do not describe the duration of either video, or how much of your video appeared on her channel or in what manner. You also have not provided copies of the videos as supplemental documents. As a result, the claim does not provide enough information to enable the Board to understand the merits of the claim.

When you submit an amended claim, it must include more factual information that supports 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 of portions of your video were used in the respondent's video, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other. 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 Sought

In the "Description of harm suffered and relief sought" section of the claim, you state only: "Defamation of character, slander and libel." In a copyright infringement claim, the Board can only grant relief from activity that is found to be infringing, not from defamation or emotional harm. 17 U.S.C. §§ 1504(e)(1)(A) & 1504(e)(2)(A)(i). You should also be aware that the Board cannot hear claims that amount to defamation or are brought simply because you do not like what the respondent said about you. A Board determination will only answer the specific questions of whether there was infringement, and if there was, what damages should be awarded based solely on that infringement. More information about the available remedies can be found in the [Damages](#) chapter of the CCB Handbook.

If you file an amended claim, do not include a request for relief that the Board cannot grant.

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.

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