



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0092

March 18, 2025

Kelly a Green

CLAIMANT

v.

Jeremy Hauk

RESPONDENTS

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 **April 17, 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.

Work Infringed—Clarity

Your copyright infringement claim must provide enough information for the respondent to identify the work you claim has been infringed. It is not clear whether the work that you claim was infringed is a “motion picture” or “pictorial” artwork.

In the “Work infringed” section of the claim, you describe your work “Siwa Moon YT Photos and Artwork” registered by the Copyright Office as PA2492417 as “[m]ultiple photos and artwork I used on my YT live stream/Photos are of me with altered backgrounds and artwork.” Further, you state that the respondent “displayed all my *images* that I own the rights to” (emphasis added). However, a Board search of Copyright Office records shows that the registration describes the authorship of the work as “text, entire motion picture.” Additionally, the registration includes a “Material excluded” statement that excludes “preexisting images and spoke works of other livestream participants.” The allegations in your claim indicate that you may be alleging that the respondent is using preexisting images that you put in the video that have been excluded from your registration. Therefore, it is unclear if these works are covered by your registration, which only covers the text and audiovisual material.

In your amended claim, you must include clarifying information describing the work you created that is subject to the registration in your claim, how much of the registered material was used, and the amount of that work used in the allegedly infringing work. Being specific in your description gives the other party and the Board more information about your claim. If what was allegedly infringed are preexisting photographs to which you own the rights but which are not subject to your copyright registration, it may be possible for you to register those photographs, but you will then need to file a new claim after applying for a copyright registration on that material.

Copyright Infringement — Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. 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. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough facts about your ownership in the work, how the respondent had access to your work, and how your work and the respondent’s work are substantially similar. Please provide more details and background regarding these elements in your amended claim.

Legal or Beneficial Ownership

Your claim provides conflicting facts about the claimant's 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. 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 exclusive rights at issue.

The claim does not present facts that indicate that “Kelly a Green” is a proper claimant. The registration in your claim lists “Siwa Moon” as the author and copyright claimant of the work. It appears from the information included in your claim that Siwa Moon may be a pseudonym, but the claim does not include any information confirming that fact. As stated above, 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 exclusive rights at issue.

To correct this issue, your amended claim must include specific allegations about how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. You can do this either by adding facts to the “Describe the infringement” section explaining how the registrant of the work is just a pseudonym for the claimant or how the claimant was the owner of exclusive rights in the work at the time of the infringement or by submitting supplemental documents. For example, you may describe the relationship between Kelly Green and Siwa Moon or how Kelly Green obtained legal or beneficial ownership of copyright. If the information in the claim identifying the claimant or the authors of the work is inaccurate, you may correct that information in an amended claim. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Access

Your claim does not provide facts about how the respondent had access to your work. “Access” means a reasonable opportunity to view or hear your work before the alleged infringement took place. In your claim, you do not state how the respondent had access to your work.

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 work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if those images 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 work and the respondent’s allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar.

As noted above, your claim states that your work is “[m]ultiple photos and artwork I used on my YT live stream/Photos are of me with altered backgrounds and artwork.” However, you do not provide any information describing or showing your work. No allegations in the “Describe the infringement” field of the claim describe your work or the allegedly infringing work, or state or show how they are identical or substantially similar. In addition, you have not provided a copy of your work or the allegedly infringing work as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the

claim and respond to it.

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 the similarities. 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. 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 that the respondent “was using these images to disparage me and drive hate to my channel which will then result in loss of revenue.” 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 and, even if infringement is found, the Board cannot award damages due to emotional or defamatory harm. The Board 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.

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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