



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0213
July 12, 2023

CMED, LLC
CLAIMANT

v.

Gary Stence
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 **August 11, 2023**. 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 Claim – Explanation

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). A misrepresentation under section 512(f) involves false or incorrect statements of fact, made to an online service provider, related to a copyright-protected work posted online. To violate section 512(f), a statement must misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)-(2). A misrepresentation claim must describe the takedown notice and counter-notice (if one was sent), and must include “[t]he words in the notification or counter notification that allegedly constituted a misrepresentation,” as well as “[a]n explanation of the alleged misrepresentation.” 37 C.F.R. §§ 222.2(c)(9)(vi)-(vii). More information about the elements required to assert a claim of misrepresentation is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook.

You allege that you sent takedown notices to Google on August 11, 2022, and September 7, 2022, and that the respondent sent Google a counter-notice on June 7, 2023. You describe your takedown notices as requests for “[r]emoval of material that infringes on a copyright.” You describe the counter-notice as a “[c]laim that content does not infringe on copyright.” You also quote the wording of the alleged misrepresentation in the counter-notice:

The article that we reported on coincided with another website. We used them because this is a recipe that cannot be changed. And all content in the company's article is committed to the fact that the content written by our editorial team does not copy and does not infringe on anyone's copyright.

However, you do not provide an explanation of why that statement was a misrepresentation. If you file an amended claim, the "Words that made up the misrepresentation and explanation of the misrepresentation" section must not only indicate which words in the counter-notice were false or incorrect, but also explain how they were false or incorrect. For example, if you maintain that the misrepresentation is that the removed online content "does not copy and does not infringe on anyone's copyright," include a description of the content you identified as infringing in your takedown notices, and explain why you contend that it was infringing and why the respondent's statement in the counter-notice was false or incorrect.

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.