



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0095

March 14, 2025

Yenny Cocq, LLC

CLAIMANT

v.

Vakker Light

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 **April 14, 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. 17 U.S.C. § 1506(f)(1)(B). However, you should not submit an amended misrepresentation claim if you know that it cannot be properly amended.

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.

Allegedly Infringed Work – Ownership

You are bringing a claim of copyright infringement. You identify a corporate entity, Yenny Cocq, LLC, as the claimant and the author of the allegedly infringed work, and you provide VA0002090398 as the Copyright Office registration number for the work. However, registration records list an individual, Jenny Cocq, as the sole copyright owner (“copyright claimant”) and author of the work. The author of a work would ordinarily be its initial copyright owner. The claim does not present clear facts that indicate how Yenny Cocq, LLC, rather than Jenny Cocq, is a proper claimant to bring this infringement claim. If you submit an amended claim, it must clarify the discrepancy.

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. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

The claimant must also be a “real party in interest,” which is a person or entity with the right to bring the claim. 17 U.S.C. § 1501(1). Copyright registration records identify Yenny Cocq as Jenny Cocq’s pseudonym, and list Yenny Cocq, LLC as Jenny Cocq’s company, while they list Jenny Cocq as the sole copyright claimant. The law considers corporations to be separate legal entities from the individuals who own them. The claim therefore does not present facts that indicate that the named entity is a proper claimant.

If you file an amended claim, it must include facts or supplemental documents that clarify how Yenny Cocq, LLC owns, or has an exclusive license to use, the exclusive rights at issue, so that it has a right to bring the claim. For example, if Jenny Cocq assigned or exclusively licensed the work (or the exclusive rights at issue) to Yenny Cocq, LLC, then it would be an appropriate claimant and the amended claim should state that the work was assigned or exclusively licensed to Yenny Cocq, LLC.

Alternatively, if Jenny Cocq is the copyright owner and has not given Yenny Cocq, LLC exclusive rights to the work or assigned the rights to the LLC, and if the person filing the claim is authorized to represent Jenny Cocq in this proceeding, then the amended claim should change the name of the claimant to Jenny Cocq.

Relief Sought

The Board is only authorized to grant certain kinds of relief. In the “Description of harm suffered and relief sought” section of the infringement claim, you request a form of relief that the Board cannot provide: “statutory damages for Respondent’s willful infringement.” The Board does not enhance damages awards based on willfulness and does not consider willfulness when making an award of statutory damages. 17 U.S.C. § 1504(e)(1)(A)(ii)(III). To address this issue in an amended claim, do not claim willfulness as a basis for awarding statutory damages.

Misrepresentation

You are also bringing a claim of misrepresentation in connection with a counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation claim has a very specific meaning under copyright law, which involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online.

Your claim must make enough factual allegations to support each “element” of the claim. The elements of misrepresentation that apply to your claim are:

1. The respondent sent an OSP a counter-notice, denying the claim of infringement in a takedown notice, and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP’s decision to restore the content, and
5. You were harmed as a result of the OSP’s decision to repost the content.

17 U.S.C. § 512(f). More information about the elements of a misrepresentation claim under Section 512(f) is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook. A misrepresentation in a counter-notice only violates section 512 of the Copyright Act if the OSP relies on it to restore the allegedly infringing content.

There is no allegation in the claim that the OSP (Shopify) restored the content. Without such an allegation, your misrepresentation claim cannot go forward. Moreover, information in your claim suggests that the OSP would not have restored the content based on the alleged misrepresentation by the time that the claim was filed.

“Safe harbor” provisions in section 512 of the Copyright Act protect certain OSPs from paying damages for infringement claims if they restore allegedly infringing material, ten to fourteen business days after receiving a proper counter-notice, unless they first receive notice of an infringement claim filed against the alleged infringer in court or before the Board. More information is available on the Copyright Office’s [section 512](#) page. You state that you sent a takedown notice to Shopify on February 25, 2025, requesting removal of the allegedly infringing listing, and that the respondent sent a counter-notice to Shopify on February 27, 2025. You filed this claim before the Board eight business days later, on March 11, 2025. The proximity of these dates suggests that Shopify would not have reinstated respondent’s listing at the time you filed your claim, less than ten business days after the counter-notice. Your allegation that “[d]ue to the submission of Respondent’s fraudulent counter-notice, the infringing content will be reinstated within days,” also indicates that Shopify had not restored the listing.

If Shopify had restored the allegedly infringing listing before you filed this claim on March 11, 2025, your amended claim must state facts about that restoration. However, if the respondent’s listing had not been restored in reliance on the counter-notice by that date, this misrepresentation claim cannot move forward, and you must omit the misrepresentation claim from any amended claim that you choose to submit.

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

Copyright Claims Board