



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0147
May 8, 2025

Simbarashe Gwisai

CLAIMANT

v.

Bryce Hill

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 9, 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.

Copyright Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

In your claim you allege infringement of six videos. You state that the videos have not been registered by the Copyright Office and provide Service Request Number 1-14905016151 for a pending group application for registration. However, a Board review of Copyright Office records finds that the application covers only two of the six videos listed in the claim, titled “Mom uses \$2300 Child Support to keep the Lifestyle she had when she was Married but then Dad Retires” and “Dad makes 90K a year at trucking business but Mom claims he make \$5 million per year child support.” The other four video titles listed in the claim are not part of the 1-14905016151 application, and you do not identify any other registration or pending application that covers those works.

To address this issue, if you file an amended claim, please provide the registration number(s) for the other four videos or the service request number(s) for the application(s) to register those videos. If those videos are part of

the 1-14905016151 application under different titles, your entries for those videos in the amended claim must include the same titles listed in the application.

Either the registrations must have been issued or the applications must have been delivered to the Copyright Office before you filed your claim on April 22, 2025. If the other four videos were neither registered nor subject to a pending application at that time, they cannot be part of an amended claim in this proceeding and they must be deleted from this claim. Instead, you would need to apply to register the copyrights for those videos before you could file a new claim alleging infringement of those works in a new proceeding. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Relief Requested

In the “Description of harm suffered and relief sought” section of the infringement claim, you include requests for forms of relief that the Board cannot grant. Specifically, you request “that the infringing video be permanently removed from YouTube and any other platforms where it may be uploaded in the future,” and you seek an “Injunction Against Future Infringement,” stating: “I request a formal ruling preventing the infringer from re-uploading my content or using it in any form without my permission.”

That is broader relief than the Board would be able to grant, as the Board cannot grant any relief against non-parties such as YouTube. In addition, the Board is only authorized to grant certain kinds of relief against respondents. Unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an “injunction”) unless the respondent notifies the Board that, if found liable for infringement, they will stop or modify the activity. If you file an amended claim, do not request any relief that the Board cannot grant. More information is available in the [Damages](#) chapter of the CCB Handbook.

Noninfringement

A claim for a declaration of noninfringement asks the Board to find that *your actions* do not amount to an infringement of the respondent’s copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused *you of infringing their copyright*, a noninfringement claim requests an official declaration that you did not infringe. To proceed with such a claim, there must be an “actual controversy” between the parties over whether you infringed the respondent’s copyright. 28 U.S.C. § 2201(a); *see* 17 U.S.C. § 1504(c)(2). The claim must identify the party that accused you of infringement and must describe your allegedly infringing activity, the reasons why you believe no infringement occurred, and the reasons why you believe there is an “actual controversy” about the requested declaration. 37 C.F.R. §§ 222.2(c)(8)(i) & (iii)-(v).

Your noninfringement claim does not state facts that meet those requirements. Instead, you state in the noninfringement section of the claim: “To the best of my knowledge, the respondent has not alleged that I have infringed any of their work.” That conflicts with the requirements for bringing a noninfringement claim, and the claim appears to have been entered by mistake. If the respondent has not accused you of infringement, you must omit the noninfringement claim from any amended claim that you choose to submit.

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 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). 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 (YouTube) 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 misrepresentations 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 your representative sent a takedown notice to YouTube on April 15, 2025, requesting removal of an allegedly infringing video, and that the respondent sent counter-notices on April 16 and 17, 2025. You filed this claim before the Board less than a week later, on April 22, 2025. The proximity of these dates suggests that YouTube would not have reinstated the material at the time you filed your claim, which is less than ten business days after the counter-notice.

If YouTube had restored the allegedly infringing video before you filed this claim on April 22, 2025, your amended claim must state facts about that restoration. However, if the respondent’s video 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. 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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