



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0030

## United States Copyright Claims Board

Jason Wild

CLAIMANT

v.

Deborah A Calkin

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 **October 3, 2022**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the CCB 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 extra 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.

#### Impermissible Respondent – Foreign Entity

The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). You noted, in support of your claim, that “[t]he offending party provided an address based in BC Canada,” which indicates that the Board cannot hear the claim. If you choose to file an amended claim, your amended claim must be asserted against an individual or entity residing within the United States.

#### Misrepresentation Claim – Relief Sought

Claims regarding misrepresentations when filing a “takedown” notice or a counter-notice under the DMCA must allege some provable harm or damage, such as a financial loss or other harm for which monetary relief can be given. In your claim you appear to have asserted damages related to a copyright *infringement* claim, not a misrepresentation claim. In the “Description of harm suffered and relief sought” section of the claim you state “Pursuant to title 17 of U.S. Code § 504, in the case where I [the copyright owner] ‘sustains the burden of proving, and the court finds, that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of \$150,000.’ The copyright owner will therefore seek the maximum relief for statutory damages in the event an injunction to prevent further infringing activity, or to gain access to the financial records and to the account in question is challenged in such a way as to require the copyright owner to accrue further legal fees.” Statutory damages are forms of relief available under Section 504 of the Copyright Act for infringement, but not for misrepresentation.

Monetary awards granted by the Board for claims of misrepresentation cannot exceed \$30,000. Your claim should identify some financial loss or harm or other provable injury you suffered *because of the alleged misrepresentation*. Please review the discussions at pages 10-11 of the chapter on [Starting a Misrepresentation Claim](#) in the CCB Handbook for more information about the kinds of relief that the Board can grant.

Please amend the “Description of harm suffered and relief sought” section of your claim to describe the financial harm or loss you are seeking, and how it relates to the misrepresentation identified in your claim. When amending your claim please note that (1) monetary awards granted by the CCB for claims of misrepresentation cannot exceed \$30,000.

To the extent that you believe your claim relates to infringement, you will need to either (1) assert an infringement claim in addition to your misrepresentation claim or (2) change your misrepresentation claim to an infringement claim. You can amend your claim by clicking on that choice when you are in the Type of Claim section, and describe it in the Describe the Infringement Section of your amended claim. Please see the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information.

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. If your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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](mailto:asktheboard@ccb.gov). Include your docket number in the subject line. The CCB is unable to provide legal advice. We can only provide legal information and assistance concerning CCB procedures and requirements. You may also refer to the [Compliance Review](#) chapter of the Copyright Claims Board Handbook for more assistance.

Copyright Claims Attorney  
September 1, 2022