



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0130  
May 21, 2024

James Colwell

CLAIMANT

v.

Jordan Mcfadden

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 21, 2024**. 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 — Clarity

You are bringing a claim of misrepresentation in connection with a takedown notice or 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 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 a misrepresentation claim are that:

1. The respondent sent an online service provider either
  - a. a takedown notice claiming online content or activity was infringing, or
  - b. a counter-notice denying infringement 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 takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider’s decision to take down or repost the

content,

5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). To violate section 512(f), a statement made by the respondent about the work must have led the online service provider to reinstate the material that you believe is infringing your copyright.

Your claim does not provide enough information about the material that was allegedly infringed by the respondent and the subject of your takedown notice. In your claim you state that “[i]t is an artwork showing my documentation and private information in regards to a user who's been stalking and harassing me on the platform for over 2 years” but you do not include enough details describing or showing what the allegedly infringing material was. It is unclear from the materials included in your claim if the disputed post contained artwork or documentation of alleged infringement.

When you submit an amended claim, you must provide additional facts that describe the allegedly infringed material and the respondent’s alleged infringing activity, for example, by identifying the portion of your artwork appeared on respondent’s X account, the amount of work that used, and how long it appeared.

### **Misrepresentation — Relief**

It appears that the principal form of relief that you are seeking is:

“[t]he removal and permanent restriction of the specified tweets from X Corp to prevent further unauthorized use and dissemination of my content. As well as a restriction and restrain against Jordan Mcfadden / @CreateMyUnivers on all forms of X Corp including but not limited to alternate accounts, and any secondary accounts or "friends" he could use to continue to act indirectly. I am also seeking a full legal protective order against Jordan Mcfaddden.”

The Board does not have the power to award such relief. Your claim also seeks \$5,000 in damages, which is relief that the Board can award. In fact, the only relief that the Board may award for a misrepresentation claim is an award of monetary relief based on some provable harm or damage, such as a financial loss or other harm for which monetary relief can be given.

Because your claim does seek monetary damages based on harm suffered due to respondent’s actions, the fact that you have requested additional relief does not make your claim noncompliant. However, because it appears that obtaining that relief may be your major objective in filing this claim, you should consider the limitations on what relief the Board can award as you determine whether to move forward with the claim.

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](mailto: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.

Copyright Claims Attorney