



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0261
September 12, 2024

swanzo.tv and James Lewis

CLAIMANTS

v.

Jason Tabaka

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 **October 14, 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.

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 the “Works infringed” section of your claim, you list two allegedly infringed works titled *Debunking Accusations* and *Debunking Accusations 2*. You state that the Copyright Office has not registered the works, and you provide the service request numbers for applications to register each of the works. Copyright Office records show that both applications were submitted before you filed this claim, but the Office has not received the required filing fee for the *Debunking Accusations 2* application or a deposit copy of that work. The term “deposit” refers to the copy or copies of a work that must be submitted to the Copyright Office with an application for registration. Information about the deposit requirement for registration is available in [Chapter 1500](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

Because *Debunking Accusations 2* was neither registered nor subject to a complete pending application before this claim was filed, the Board cannot hear your claim of infringement of that work in *this* proceeding. Instead, once a complete application has been filed, you would need to refile your infringement claim in a *new* proceeding. You should not submit a new claim alleging infringement of that work until after you submit the deposit and fee to complete the application, or submit a new application, deposit, and fee. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

If you believe the above statements regarding your application are in error, you may submit an amended claim that shows that a complete application for *Debunking Accusations 2* was submitted with the required deposit and fee before you filed this claim on September 5, 2024. Otherwise, to move forward with your claim of infringement of *Debunking Accusations* in this proceeding, you must omit *Debunking Accusations 2* from the “Works infringed” section of your amended claim.

Legal or Beneficial Ownership

The claim does not present facts that indicate how claimant James Lewis (Lewis) is a proper claimant to bring a claim of infringement of *Debunking Accusations*. In the “Works infringed” section, you name claimant swanzo.tv (Swanzo) as the author of the work. Copyright Office records identify Swanzo as the author and as the copyright owner. Those records indicate that Lewis certified Swanzo’s application for registration, but they do not list Lewis as an author or copyright owner of the work.

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. A claimant who is not a named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

If the information in the claim identifying the claimant or the author of *Debunking Accusations* is inaccurate, you may correct that information in an amended claim. For example, if Swanzo is the sole owner of the work, the amended claim should name only Swanzo as the claimant, not Lewis. To name an organization as the sole claimant, Lewis would need to change the eCCB user type from “self-represented party” to “authorized company representative” before amending the claim and re-entering the information.

However, if Lewis personally is a copyright owner, the amended claim must include specific allegations about how Lewis owns, or has an exclusive license to use, the exclusive rights at issue in either work. You can do this either by adding facts to the “Describe the infringement” section explaining how Lewis owned exclusive rights in the work at the time of the infringement, or by submitting supplemental documents. For example, you may

describe Lewis’s relationship with Swanzo and state how Lewis became a *legal* owner or co-owner of copyright, such as by assignment or exclusive license; or how Lewis remained a *beneficial* owner after transferring legal ownership, such as by retaining a right to receive royalties from use of the work. Alternatively, you may include supplemental documents, such as an assignment or exclusive license, demonstrating Lewis’s legal or beneficial ownership.

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.

Copyright Claims Board