



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0122
April 11, 2025

Scott Hochstetter

CLAIMANT

v.

Youtube

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 **May 12, 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 Infringement — Online Service Provider

Your claim does not show a basis for raising a claim against YouTube for acts infringing your copyright. Your allegations describe infringing activity by a third party (“♡DOS♡”), not listed as respondents to the claim, who used YouTube to post the video.

In your claim, you state that “[r]espondent has removed the videos but a counter claim has been made stating that they will be put back up.” These allegations indicate that YouTube **cannot** be liable for damages for the alleged third-party infringements because it complied with the “safe harbor” requirements in section 512 of the Copyright Act. “Safe harbors” in section 512 shield certain online service providers from paying damages for copyright infringement claims if, among other things, the online service providers take steps to quickly remove or disable access to infringing material when a copyright owner notifies them about the infringement through a proper takedown notice. To avoid liability, online service providers must follow procedures specified in section 512 when they receive takedown notices alleging infringement, and counter-notices seeking the re-posting of the allegedly infringing material. In an infringement claim against an online service provider that is eligible for a section 512 safe harbor, you must state facts that indicate that the respondent did not follow those procedures. Contentions that

third parties used YouTube to commit infringement, without more, do not make YouTube liable for infringement. The allegations included in your claim indicate that YouTube has followed the procedures specified in section 512. Additionally, it does not appear that you can amend your claim to name the “uploader” as a respondent in the claim because they reside outside the United States. The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4).

To proceed against YouTube, your amended claim must describe how it actually engaged in infringing activities, or state facts supporting allegations that would make YouTube liable as an OSP despite the Section 512 safe harbor because of a failure to expeditiously remove or disable access to the infringing material after you sent a takedown notice. You should not file an amended claim unless you can accurately do this. Please visit the [section 512 page](#) and the discussion at pages 18-19 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook for additional information about what is required for an infringement claim against an OSP protected by a section 512 safe harbor.

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 list you state that the works are not registered, and you provide three different service request numbers for pending applications. However, a Board search of Copyright Office records for these applications found that the Copyright Office has not yet received deposit copies for two of the allegedly infringed works (1-14899642117, 1-14899641931). 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*. The Board cannot hear a claim that contains works with incomplete registration applications. In order for a work to be included in the claim, the registration must have been issued, or the application, deposit, and fee must have been delivered to the Copyright Office before you filed your claim on April 2, 2025. If you have not delivered a deposit of the work to accompany your application and fee at that time, that work cannot be included in the claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

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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