



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0231

United States Copyright Claims Board

Vadim Shmatko

CLAIMANT

v.

Mark Thorneer

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 **December 15, 2022**. 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.

Respondent Address

The claim must include the respondent's mailing address, unless you certify that the address is unknown and that you have a good-faith belief that the statute of limitations is likely to expire within 30 days after the claim is filed. [37 C.F.R. § 222.2\(c\)\(6\)](#). Your claim lists an incomplete mailing address for the respondent: Broadway, New York, NY 10032. Because you allege that the infringing acts began in September 2022, it does not appear that the three-year statute of limitations period for your claim is about to expire. 17 U.S.C. §§ 507(b) & 1504(b). If you file an amended claim, it must provide the respondent's complete mailing address, including the street number.

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 allegedly infringed 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 state that the Copyright Office has not registered the allegedly infringed work, and you list a service request number (SR59862574358) for a supposedly pending Copyright Office registration application. However, a search of Copyright Office records does not reveal a registration application with that service request number, or any pending registration application that lists you as an author.

To address this issue, if you file an amended claim, please provide the registration number for the work or the service request number for an application to register the work. Either the registration must have been issued or the application must have been delivered to the Copyright Office before you filed your claim on November 4, 2022. If your work was neither registered nor subject to a pending application at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim as a new 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 supplementary 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.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

November 15, 2022