



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0148

## United States Copyright Claims Board

Mikhail Glabets Photography LCC

CLAIMANT

v.

Island entertainment dba Spring House Hotel

RESPONDENT

### SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **February 17, 2023**. 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. There is no additional filing fee for a second amended claim. If you amend your claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B), [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended claim before you file a second amended claim. 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.

#### Respondent Information

Your claim appears to contain a typo in the respondent address. Please review the “Respondent Information” field and ensure that the correct address is listed.

#### Legal and Beneficial Ownership

Your amended claim still provides conflicting facts about the claimant’s status as a legal or beneficial owner of the allegedly infringed 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 an author or 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 rights at issue.

A Board search of Copyright Office Records shows Mikhail Glabets, an individual, listed as author and copyright claimant in the registration of the allegedly infringed work, however, Mikhail Glabets Photography LCC, an entity, has been named as claimant in the proceeding. Even though you may be the owner of Mikhail Glabets Photography LLC, the law considers LLCs to be separate legal entities from the individuals who own them. Because the copyright claimant listed on the registration certificate is not the entity named as claimant in the proceeding and you have not included any additional information about the ownership of the copyright rights, your claim may not proceed.

To correct this issue, you can either (1) amend the claim to name Mikhail Glabets (as an individual) as claimant or (2) provide additional information about how the copyright was transferred from, or exclusively licensed by Mikhail Glabets to Mikhail Glabets Photography, LLC. To name an individual claimant, you will need to edit the claimant section and select “individual” for the “Is the claimant an organization or an individual?” and re-enter the information. .

In the alternative, if Mikhail Glabets exclusively licensed or transferred the exclusive rights at issue to the LLC, your second amended claim must add additional information to the “Describe the infringement” section of the claim that explains how the entity (1) obtained ownership of the exclusive rights allegedly infringed, or (2) how the entity was the author or otherwise the legal or beneficial owner of the exclusive rights at the time of the infringement. You may also choose to include supplementary documentation such as an assignment or license that explains how these rights were transferred to Mikhail Glabets Photography LLC.

More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

#### Final Amendment

Your amended claim resolved some but not all of the issues raised in the November 18, 2022 Order to Amend. If you file a second amended claim, it must state enough facts in support of the claim alleged. **This is your third and final opportunity to submit a compliant claim in**

**this proceeding. If you raise any claims that your allegations do not support, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B). In the alternative, you can delete any unsupported claim allegations in your second amended claim.

To submit a second 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 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. 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

January 18, 2023