



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0349
December 11, 2023

Sarah Welch

CLAIMANT

v.

Crazy Legs Productions, Inc., The Learning
Channel, Inc., and Warner Bros Discovery, Inc.

RESPONDENTS

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 **January 10, 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. There is no additional filing fee for an amended claim. If you file a second amended 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 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.

Relief Sought

You have raised a claim of copyright infringement before the Board. It appears that you are seeking a larger damages award than the Board can grant.

In the “Describe the infringement section of your claim, you state, “under 17 U.S.C. § 504(c)(1) and 17 U.S.C. § 1504(e)(1)(A), Claimant is entitled to statutory damages of \$15,000.” In the “Description of harm suffered and relief sought” section of your claim, you state that “Claimant seeks the full \$15,000 available in statutory damages under 17 U.S.C. § 504(c)(1) and 17 U.S.C. § 1504(e)(1)(A)[.]” However, based on your allegations, the maximum award of statutory damages available in this proceeding would be \$7,500.

The most that respondents can be ordered to pay in damages (actual or statutory) in a Board proceeding is \$30,000. 17 U.S.C. § 1504(e)(1)(D). However, the maximum amount of statutory damages available from the Board is \$15,000 for each work that was infringed if the work was timely registered, and \$7,500 per work that was not timely registered. 17 U.S.C. § 1504(e)(1)(A)(ii)(I)-(II). A work is not timely registered if it was (1) unpublished

and the copyright was registered after the infringement started, or (2) published and the copyright was registered after the infringement started and more than three months after the publication of the work. 17 U.S.C. § 412. More information about the available forms of relief can be found in the [Damages](#) chapter of the CCB Handbook and on pages 6-7 of the [Starting an Infringement Claim](#) chapter.

You assert that the infringement commenced on August 24, 2022. The Certificate of Registration for the allegedly infringed work, filed as [Exhibit B](#) to the amended claim, lists the first date of publication as June 2, 2019, and the effective date of registration as May 5, 2023.

Based on those stated facts, it appears that the copyright for the published work was registered more than three years after publication, and after the infringement commenced, so the Board may not award you more than \$7,500 total in statutory damages. 17 U.S.C. §§ 412(2) & 1504(e)(1)(A)(ii)(II). Because those are the facts alleged, your request for \$15,000 in statutory damages is not permissible and not compliant with the CASE Act.

You are not required to choose between actual or statutory damages at this point. *Id.* § 1504(e)(1)(B). You are not required to request damages at all. *Id.* § 1504(c)(1) & (e)(1)(B)(ii). If you file a second amended claim, you may include a request for damages without giving a specific amount. However, you will need to limit any request for statutory damages to an amount the Board can grant.

Final Amendment

Your amended claim resolved the compliance issues raised in the November 1, 2023 Order to Amend Noncompliant Claim, but introduced a new compliance issue discussed above. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

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 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 Attorney