



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0035

February 14, 2025

Louise Bowden

CLAIMANT

v.

Elara Bowman

RESPONDENT

ORDER FINDING BAD-FAITH CONDUCT AND A PATTERN OF BAD-FAITH CONDUCT AND DISMISSING CLAIM

On December 2, 2024, the Copyright Claims Board (Board) found that James A. Colwell (Colwell) had engaged in a pattern of bad-faith conduct by repeatedly filing and pursuing claims that he knew could not prevail. *See Colwell v. McFadden*, 24-CCB-0303, Order Finding Bad-Faith Conduct and a Pattern of Bad-Faith Conduct and Dismissing Claim (Dec. 2, 2024). To penalize his conduct, the Board dismissed each Colwell-commenced claim that was pending at that time, and barred him from initiating any further claims before the Board in the twelve-month period from December 2, 2024 through December 1, 2025. *Id.*; see 37 C.F.R. § 232.4(d)(1)-(2).

Colwell violated that bar by initiating two new claims the next month. *FalterXV v. Bowman*, 25-CCB-0021, was filed on January 15, 2025, and dismissed and closed the next day because Colwell is currently barred from initiating claims in this forum. This claim was filed on January 27, 2025. In both claims, the same respondent was accused of infringing a motion picture that the Copyright Office registered for Colwell in 2024 as its sole author and owner. Instead of naming himself as the claimant, each claim provided a different name as his alias or instrument. In addition, Colwell created new user accounts on the Board's electronic filing system in an attempt to circumvent the ban.

It is obvious that Colwell hoped to circumvent the twelve-month ban by employing these other names. It is also obvious that he is responsible for both claims. Filings in earlier Colwell proceedings show that "FalterXV," the claimant name given in 25-CCB-0021, is his online handle. It also appears in the title of the allegedly infringed motion picture, and in the contact information he gave the Copyright Office when he applied to register the copyright. The claimant name given in this proceeding, "Louise Bowman," was listed as the claimant's authorized representative in 25-CCB-0021, and filings in earlier Colwell proceedings show that the email address listed for "Louise Bowman" in this proceeding is one Colwell has repeatedly used as his own.

On January 29, 2025, the Board issued an Order to Show Cause Regarding a Pattern of Bad-Faith Conduct (Order) in this proceeding. The Order directed Colwell to file a response by February 12, 2025, to explain "why initiating this claim and Claim No. 25-CCB-0021, despite the ongoing ban on Colwell initiating claims, does not constitute a pattern of bad-faith conduct," and "why FalterXV and Louise Bowden should not be considered aliases used by Colwell or on his behalf in these proceedings, and why the claims filed in this proceeding and in 25-CCB-

0021 should not be considered his own.” Colwell did not file a response to the order and did not contact the Board for permission to have his user account unlocked so he could file the response.

The Order also directed Colwell to attend a conference on February 13, 2025, to again explain his conduct. Colwell did not attend the conference.

The Board finds that Colwell initiated the claims in this proceeding and in 25-CCB-0021, using other claimant names and user IDs to shield his actions, with full knowledge that the claims flouted the twelve-month bar imposed on him in December. The Board finds that his actions in these proceedings constitute additional instances of bad-faith conduct as defined in the Board’s regulations: “Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact. Such conduct includes any actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board, including before a proceeding becomes an active proceeding.” 37 C.F.R. § 220.1(c). Under this standard, the Board finds that Colwell did not have a reasonable basis in law or in fact to initiate claims in violation of a clear Board order.

The Board determines that Colwell engaged in bad-faith conduct on multiple occasions in this proceeding and in 25-CCB-0021, continuing and exacerbating his pattern of bad-faith conduct. As 37 C.F.R. § 232.4(d) requires, the Board dismisses this claim, closes this case, and extends the bar on Colwell initiating claims before the Board for the 12-month period beginning today, February 14, 2025, through February 13, 2026.

Colwell cannot seek relief from this Board while ignoring its rules and disobeying its orders. If the Board again receives a claim that violates or attempts to circumvent the bar on new Colwell claims, the Board will automatically close the claim and order Colwell to submit an explanation for his actions and attend a hearing. If, as here, Colwell does not provide sufficient explanation, the Board will further extend the bar. The Board will additionally consider any and all remedies at its disposal to punish Colwell for such actions.

The Board is sending YouTube a copy of this order to inform YouTube that the bar on Colwell-initiated claims has been extended, and that as long as it is in effect, no new Board proceeding filed by or on behalf of Colwell between December 2, 2024 and February 13, 2026 provides a basis to avoid reinstating any material that Colwell asserts is infringing.

Copyright Claims Board