



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0096

March 28, 2023

VideoHat LLC

CLAIMANT

v.

ESPN

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 **April 27, 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. 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.

### Legal or Beneficial Owner

To bring a copyright infringement claim before the Board, the claimant must be a “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. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

While you submitted a [“Licensing Declaration”](#) with the claim as a supplemental document—presumably to show that you own, or have an exclusive license to use, the exclusive rights at issue—the name of the licensor in that document does not match the author’s name listed in Copyright Office records.

In the “Works infringed” section of the claim, you allege that the infringed work is a video titled “Moroccan Fan asks Ancelotti for chewing gum.” You state that the author’s name is Youssef Abu Bakr, and you describe the work as “a video made by our client,” available at <https://videohat.io/item/2191>. You provide Copyright Office

service request number 1-12297513221 for an application to register the copyright. Copyright Office records show that the application states the same title and author's name, and indicates that the copyright was transferred to VideoHat LLC by written agreement. However, the Licensing Declaration filed with the claim, which appears to be a copy of a written agreement granting rights to VideoHat, lists the name of the person who signed to license to VideoHat as Youssef Kabour, not Youssef Abu Bakr as stated in the application.

To correct this issue, if you file an amended claim, it must state facts that clarify the relationship between the named author Youssef Abu Bakr and the named licensing party Youssef Kabour. For example, if they are the same person, the claim must say so and explain the discrepancy.

## 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 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). The claim must include the registration number and effective date of registration or, if the work has not yet been registered, the service request number for a pending application to register the copyright. 37 C.F.R. §§ 221.1(b) & 222.2(c)(7)(ii)(C)-(D).

Your claim correctly listed the service request number for an application for registration submitted on February 28, 2023. While your claim was in compliance review, on March 22, 2023, the registration on the work issued. If you submit an amended claim, please change the "Works infringed" section to make clear that the work has been registered and include the registration number, PA 2-402-583.

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, 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](mailto: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