



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0329

December 3, 2024

Happy Birds LLC dba IMbesharam.com

CLAIMANT

v.

LT DIGITAL PRIVATE LIMITED

RESPONDENT

FINDING OF BAD FAITH AND ORDER DISMISSING CLAIM

On October 28, 2024, Jacob Nejno (Nejno) filed this claim on behalf of Happy Birds LLC dba IMbesharam.com (Claimant) before the Copyright Claims Board (Board). The claim provided a clearly invalid United States mailing address with information that indicated that the respondent is not a United States resident, even though claims before the Board against respondents that do not reside in the United States are prohibited.

On October 31, 2024, the Board ordered Nejno and Claimant to show cause why filing the claim in that form did not constitute bad-faith conduct under 37 C.F.R. § 232.3. The Order to Show Cause further ordered Nejno and Claimant to file a response to that order by November 14, 2024. No response was filed.

On November 15, 2024, the Board ordered Nejno and Claimant to appear at a conference to explain the conduct described in the Order to Show Cause, and sent them, at the email address he provided in the claim, a link to the virtual conference, which was scheduled for November 26, 2024 at 10:00 AM ET. 37 C.F.R. § 232.3(c). The presiding Copyright Claims Officer waited 15 minutes after the scheduled time for the conference to begin but Claimant and Nejno did not appear. They did not notify the Board that they would not be attending or explain their absence thereafter. The Officer recorded a statement on the record and then concluded the conference.

The fact that Nejno and Claimant submitted a claim with an obviously inaccurate address for a foreign respondent, despite the knowledge that claims against foreign entities are prohibited, has not been refuted. Claims “asserted against a person or entity residing outside the United States” are categorically “not subject to determination by the Copyright Claims Board.” 17 U.S.C. § 1504(d)(4). The eCCB online filing system specifically informs filers of this prohibition, and eCCB requires a United States address for respondents, including a United States state or district and zip code. When this claim was submitted through eCCB, a notice in the “Respondent” section of the claim form warned the filer that claims cannot be filed against respondents residing outside of the United States, and specified: “Anyone who evades this requirement will have their claim found noncompliant, lose their \$40 filing fee, and may be limited in the ability to file future claims.” Before submitting the claim, Nejno and Claimant also certified under penalty of perjury that the information provided in the claim was accurate and truthful to the best of his knowledge. See 37 C.F.R. § 222.2(c)(12).

Nevertheless, the claim stated that the respondent’s street address is “No.16, 4th Cross Ramaiah Layout Flower Garden, KA 560043, Babusapalya Bangalore, IN 00000.” The street address provided does not resemble a United

States address. Babusapalya is a suburb of Bangalore, the capital city of the state of Karnataka (KA) in India, and 560043 is a postal code for Bangalore. The address also included facially invalid information. Nejno selected the state code “IN,” for Indiana, from the drop-down menu in the claim form, and entered 00000, which is not a valid United States zip code. Entering the Indiana state code and an invalid zip code for the respondent means that the filer must have ignored the warnings on eCCB and entered those address details to avoid the technological barriers to entering a foreign address.

Therefore, the Board finds that the actions of Nejno and Claimant in this proceeding constitute 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 has no difficulty in finding that Nejno and Claimant did not have a reasonable basis in law or in fact to file a claim before the Board against a respondent residing outside the United States despite the clear warnings and technological barriers to deter such a filing.

In addition, on October 31, 2024, the Board issued an Order to Amend Noncompliant Claim notifying Claimant that the claim did not comply with the requirements of the CASE Act and related regulations and would be dismissed unless an amended claim was filed by December 2, 2024. 37 C.F.R. § 224.1(c)(2).

No amended claim was filed in the time allowed. Accordingly, the Board dismisses the claim without prejudice and closes case 24-CCB-0329. 37 C.F.R. § 222.17(a)–(b).

Copyright Claims Board