



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0073

April 26, 2024

James Colwell

CLAIMANT

v.

Elara Bowman

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 **May 28, 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.

Misrepresentation – Clarity

You allege that the respondent made a misrepresentation under 17 U.S.C. § 512(f) in a counter-notice sent to Twitch.tv on March 3, 2024. A counter-notice only violates section 512(f) if it misrepresents that the allegedly infringing “material or activity was removed or disabled by mistake or misidentification”—or in other words, after a takedown notice says material online is infringing, the counter-notice falsely denies it. *Id.* As discussed in the March 22, 2024 Order to Amend Noncompliant Claim (March 22 Order), you have not provided enough information to show that the respondent made that particular kind of false or incorrect statement. You do not indicate that the respondent falsely told Twitch.tv that the material that was removed was not infringing.

You filed a copy of the [counter-notice](#) with the amended claim. It shows that the respondent stated, “I swear, under penalty of perjury, that I have a good faith belief that the material identified in the notification was identified, removed, and/or disabled as a result of mistake or misidentification.” However, no other statement in the counter-notice denied the infringement, and none of your allegations identify *that* statement as false.

As the March 22 Order explained:

You do not appear to show the respondent falsely stating that your March 4, 2024 takedown notice was incorrect. . . . If you submit an amended claim, you must show or explain why *that* statement was false or incorrect, and how it was false or incorrect.

Final Amendment

Your amended claim does not resolve all of the issues raised in the March 22 Order. **This is your third and final opportunity to submit a compliant claim. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

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 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.