



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0306

November 1, 2024

Jordan J McFadden

CLAIMANT

v.

James Colwell

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **December 2, 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. 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 Ownership

Your claim presents unclear information about your status as a legal or beneficial owner of the allegedly infringed works. In your claim you identify yourself as the author and owner of the allegedly infringed artwork. You list “1-14335221971” and “1-14339192409” as the Service Request Numbers for the pending applications for the works. The registration applications list Worldwalker Studios as author and yourself as the owner (copyright claimant.) However, it is unclear if Worldwalker Studios transferred or conveyed the copyright to you or gave you the exclusive rights to use the works. Supplemental documents filed with the claim, including “Exhibit 3A,” “Exhibit 5B,” and “Exhibit 6A” appear to show a receipts and conversations between you and the artist (Worldwalker Studios) on the Fiverr platform about a possible sale of a physical copy of the artwork but does not show a written transfer of copyright.

Ownership of copyright in a work differs from ownership of the material object itself (whether it is in physical or digital format). For example, even though an individual owns a piece of artwork, that individual is not the owner of the copyright to that artwork unless the copyright has been transferred. Copyright originates with the author but may be transferred to another person or organization by a written agreement or by operation of law. 17 U.S.C. §

201(a). As a general rule, a transfer of copyright ownership must be made in writing, and it must be signed by the copyright owner conveying the copyright. Section 204(a) of the Copyright Act states that “a transfer of copyright ownership, other than by operation of law, is not valid unless an instrument or conveyance, or a note or memorandum of the transfer, is in writing and signed by the owner of the rights conveyed or such owner’s duly authorized agent.”

It is unclear from exhibits if copyright to the artwork was transferred to you by Worldwalker Studios. If you submit a second amended claim, you must include more information that indicates that you are a legal or beneficial owner of the artwork at issue in this claim and shows or explains how you gained ownership of the works. You must present facts that indicate that Worldwalker Studios assigned, transferred, or conveyed the copyright to you, or gave you an exclusive license to use the works.

Relief Sought — DMCA Misrepresentation Allegations

In you’re the “Description of harm suffered and relief sought” section of the claim you state that you are seeking damages for “[k]nowingly false statements by James Colewell regarding my work within these fraudulent DMCA’s, including false legal statements and assertions that have no evidence or standing.” These allegations appear to allege relief for a claim of misrepresentation under section 512. If you file an amended claim, you should not include these allegations of misrepresentation in your infringement claim. A claim for misrepresentation under 17 U.S.C. 512(f) is a *separate type of claim* that may be raised if you believe the respondent said something false in a takedown notice or counter-notice to an online service provider, and the online service provider relied on that false information in taking content offline or putting it back online. More information is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook.

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.

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