



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0131  
April 27, 2023

Porscha Brown

CLAIMANT

v.

Facebook

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 **May 29, 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.

### Permissible Claim

The Board is only authorized to resolve certain types of copyright disputes. 17 U.S.C. § 1504(c)(1)-(3). You checked the boxes on the claim form to state that your claim is for misrepresentation under 17 U.S.C. § 512(f), which is a type of claim that the Board can address. However, your allegations appear to describe a dispute over online impersonation, which is not the sort of misrepresentation that involves copyright and that the Board can hear. You allege that Facebook “hacked my page and started selling items under my name.” Supplemental documents filed with the claim indicate that you sent Facebook emails in July 2022 to report that an impostor had stolen your Facebook account by changing the contact information.

The Board is not authorized to hear claims for fraud that are unrelated to copyright. 17 U.S.C. § 1504(d)(1). A claim for fraud might be viable in court, but not before the Board.

### Misrepresentation

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law, which involves false statements made *to* an online service provider related to a copyright-protected work posted online by

others. To violate section 512(f), a statement must misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)-(2).

A misrepresentation claim must make enough factual allegations to support each “element” of the claim. The elements of a misrepresentation claim are that:

1. The respondent sent an online service provider either
  - a. a takedown notice claiming online content or activity was infringing, or
  - b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider’s decision to take down or repost the content,
5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f).

You allege that you sent a takedown notice to Facebook on July 19, 2022. A [supplemental document](#) you filed seems to show that your takedown notice on that date claimed that a Facebook user had “stolen” your Facebook account, but did not relate to any claim of copyright infringement. You also allege that no counter-notice was sent. If you file an amended claim, you must identify a misrepresentation made by the respondent in a counter-notice. To support a claim of misrepresentation, you must provide additional facts to show that the counter-notice included a false or incorrect statement of fact “that material or activity was removed by mistake or misidentification”—in other words, that the respondent denied committing copyright infringement, and that an online service provider relied on that misrepresentation to not take the material down or to put the material back online.

. Your description and explanation of the words that made up the alleged misrepresentation, “[r]epresentation of being me and it’s not,” appears to describe false statements unrelated to copyright and does not describe false statements made by the respondent to an online service provider. Therefore, those allegations do not identify the sort of misrepresentation that could violate section 512(f). While you describe your takedown notice as a “copyright notice,” your allegations do not identify a false statement about copyright in a counter-notice. If you submit an amended claim, you must state facts in support of each element of the claim, including allegations that describe a false or incorrect statement of fact by the respondent that would violate section 512(f), indicating what words were false or incorrect and how they were false or incorrect.

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](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