



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0199

## United States Copyright Claims Board

Rebecca Wang

CLAIMANT

V.

Amazon.com

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 **December 14, 2022**. 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.

#### Misrepresentation Claim – Proper Respondent

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). Your 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). Your claim is not compliant because it does not provide enough information about how the respondent Amazon.com, rather than someone else, made a misrepresentation in a takedown notice or counter-notice to an online service provider. Your claim alleges that you sent a takedown notice to Amazon, and that a non-party, Dongguanpinymoxingshejiyouxiangongsi, sent a counter-notice to Amazon. A misrepresentation claim must allege a misrepresentation made *by* the respondent. Your allegation that a misrepresentation was made *to* Amazon does not support holding Amazon liable under 17 U.S.C. § 512(f).

If you believe that the named respondent (Amazon) was responsible for sending the counter-notice (and did so to another online service provider), you may file an amended claim that includes factual allegations that explain the misrepresentation and support each element of the claim against the named respondent. If a different person or entity residing within the United States made the misrepresentation, you may file an amended claim that removes Amazon as a respondent, names that person or entity as a respondent, and includes factual allegations that explain the misrepresentation and support each element of the misrepresentation claim against that person or entity.

Please note that the Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). The claim identifies the sender of the counter-notice as Dongguanpinymoxingshejiyouxiangongsi. The “Describe the content of the counter-notice” section of your claim includes a mailing address in Guangdong, China for Dongguanpinymoxingshejiyouxiangongsi, which indicates that the Board could not hear an amended claim against Dongguanpinymoxingshejiyouxiangongsi. You should only amend your misrepresentation claim if you are raising it against an individual or entity residing in the United States that made a misrepresentation in a takedown notice or counter-notice under 17 U.S.C. § 512(f). If you cannot identify a proper respondent, the claim cannot proceed.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

November 14, 2022