



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0379

November 15, 2023

MSE Publishing LLC

CLAIMANT

v.

Tokybook.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 15, 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.

Foreign Respondent

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 must include the respondent's mailing address. 37 C.F.R. § 222.2(c)(6).

In the claim form, you list a mailing address for the respondent in New Jersey. A supplemental document filed with the claim, [Tokybook Registered Office and Linked Authorization.pdf](#), states that the respondent has a “registered office” at that address. However, the claim does not identify the source of the document or support its veracity, and other information in the claim indicates that the respondent is a foreign entity.

You allege that the respondent made a misrepresentation in a counter-notice submitted to YouTube, and you quote the alleged misrepresentation in the “Words that made up the misrepresentation” section of the claim form. That quote appears in another supplemental document filed with the claim, [Counter Notice for Dragon Emperor 2.pdf](#), which appears to include the contents of the respondent's counter-notice forwarded by YouTube. The counter-notice provides a mailing address for the respondent in Vietnam. This indicates that the Board may not have jurisdiction to hear your claim. The counter-notice also provides the same phone number and email address for the respondent that you included in the claim form. The respondent's phone number has an area code of 033,

which is not in the United States. *See* 47 C.F.R. §§ 52.3, 52.5(d), 52.7(a). In addition, the respondent's email address is at a .asia domain name. Thus, it appears that the Board may not be able to hear your claim because the respondent appears to be a foreign resident.

If you file an amended claim, you must include additional information, such as information verifying the New Jersey "resident office" listing, to address this discrepancy and show that the respondent resides in the United States. If the respondent does not reside in the United States, the Board cannot hear the claim. You should only amend your claim if you are raising it against an individual or entity residing in the United States.

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.