COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0369
January 22, 2025

Tamar Israel	*v.*	eBay
CLAIMANT		**RESPONDENT**

ORDER DISMISSING CLAIM

The Copyright Claims Board (Board) issued orders on December 13, 2024 and January 14, 2025 that notified the claimant that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On January 14, 2025, the claimant filed a second amended claim, which was the final opportunity to file a compliant claim. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d). A Copyright Claims Attorney reviewed the second amended claim, determined that it is still noncompliant, and referred the claim to a Copyright Claims Officer to confirm that it does not comply with the applicable requirements and that this proceeding should, therefore, be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B).

The claim alleges infringement by an eBay seller and seeks damages from eBay as an online service provider (OSP). The Board cannot hold eBay, as an OSP eligible for a "safe harbor" under 17 U.S.C. § 512, liable for infringement if it expeditiously complied with the claimant's takedown notices. The claimant alleges that eBay received takedown notices in 2023 and 2024, and asserts that eBay did not expeditiously comply. However, the claimant also filed documents that indicate that eBay timely complied with both takedown notices.

The Copyright Claims Officer reviewed the second amended claim and concurs with the finding of noncompliance. Based on the foregoing issues, which are set forth more fully in the December 15 and January 14 noncompliance orders, the Board finds that the second amended claim does not comply with the applicable requirements. Accordingly, the Board dismisses this claim without prejudice and closes this case. Dismissal without prejudice means that the allegations may be raised again by filing a new claim, if there is no agreement with the respondent to the contrary.

Copyright Claims Board