



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0110  
April 8, 2025

Talisha E Hunter

CLAIMANT

v.

Porchlight Book Company

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 **May 8, 2025**. 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.

### Copyright Infringement — Elements

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, meaning a reasonable opportunity to view or hear your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not provide enough facts about how the respondent used your work without permission, how the respondent had access to your work, and how the respondent’s work is substantially similar to your work. Please provide more details and background regarding these elements in your amended claim.

## **Infringing Activity — Clarity**

Your claim does not present enough facts to clearly state how the respondent used any exclusive rights you have in the allegedly infringed work without permission. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

In your claim, you state that you “discovered my debut book, *Childhood on Fire: My Journey from the Hell of Baltimore to High Water* was listed/advertised for sale on Porchlight Book Company's website.” Without additional information, it is unclear if you are alleging if the respondent is selling used copies of your book or that they might have bought or obtained elsewhere and are re-selling, or if they are actually creating exact or nearly exact copies of the book without your authorization. The “first sale” doctrine allows someone who has legitimately purchased one of your books to resell that physical copy without your permission. 17 U.S.C. § 109(a) (“the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord”). However, the creation and sale of unauthorized copies could be considered copyright infringement.

To correct this issue, you must provide additional information about how the respondent is using your work without your authorization. If you submit an amended claim, you must more fully explain how the respondent infringed your allegedly infringed works. To address this issue, your amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what the respondent did in relation to the work you allege was infringed.

## **Substantial Similarity**

Your claim also does not include enough facts that explain the similarities between your work and the respondent’s allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are similar.

Your claim states that your work is a memoir. You separately filed what appears to be a screenshot of the cover of your book on the respondent’s website. However, no allegations in the “Describe the infringement” field of the claim describe the contents your work or the allegedly infringing work, or state or show how they are identical or substantially similar. As noted above, it is unclear if you are alleging that the respondent created exact or near exact unauthorized copies of your work. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

When you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which portions of your work were taken by the respondent in the allegedly infringing work, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other. More information about the elements required to assert a claim of copyright infringement is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

### **Copyright Infringement Claim – Online Service Provider**

In your responses to certain yes/no questions on the claim form, you allege that the respondent is an online service provider and that you sent the respondent a takedown notice to remove material posted by a third-party. In this context, an “online service provider” or OSP is a provider of online service to store (and make available), refer to, provide access to, or link to material that is available online. Online service providers include content-sharing websites and internet search engines, among other services. You also answered “no” to the question “Did the online service provider fail to expeditiously remove or disable access to the material after you sent a takedown notice?” Special rules apply to infringement claims brought against online service providers if the claim is not because they infringed the work directly, but because they stored, hosted, referred to, or linked to infringing material posted by others. In many cases, online service providers are not liable for such claims because of protections in the copyright law under section 512 of the Copyright Act.

It appears that your answers to these questions may be a mistake, particularly the first question where you answered “yes” to whether the respondent is an OSP. In your claim, you do not include any allegations that the respondent was acting as an online service provider or that your work was posted by a third party. If you are not alleging that the respondent is an online service provider and that you sent the respondent a takedown notice to remove material posted by a third-party then you should answer “no” to the question “Are any of the respondents online service providers?”

On the other hand, if you maintain that the respondent is acting as an OSP, that you sent the respondent a takedown notice about infringement by a third party, and that the respondent did not promptly redress the infringement you identified, then you must answer “Yes” to the question, “Did the online service provider fail to expeditiously remove or disable access to the material after you sent a takedown notice?” if that is accurate. In addition, you must state facts detailing when you sent takedown notice(s) to respondent and how respondent failed to timely remove or disable access to the allegedly infringing material or attach documents to your claim that provide these facts. If you attach documents to your claim, they must be clearly labeled. Please visit the section 512 page and the discussion at pages 18-19 of the chapter [on Starting an Infringement Claim](#) in the CCB Handbook for additional information about what section 512 of the Copyright Act requires for an infringement claim against an OSP.

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.

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