



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0199

June 29, 2023

Bobby Razak

CLAIMANT

v.

Bosley

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 **July 31, 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.

Clarity – Allegedly Infringed Works

You have brought a copyright infringement claim with confusing allegations about which works were infringed. In the “Works infringed” section of the claim, you list five allegedly infringed works, with the following titles:

- Network Engineer Gets Sexy Back!
- The Truth Behind Hair Transplants - 7 Men Tell Their Stories
- Bosley Lets Go
- Restoring Hair Re-energized My Marriage
- Erick S.

You state that each is a motion picture or audiovisual work, describe each work as a “commercial,” “spec commercial,” or “commercial campaign,” and provide Registration Number PAU4166196 or PAU4166197 for each of the five works. The Copyright Office issued Registration Number PAU4166196 for a motion picture titled “Bosley ‘Let’s Go,’” as indicated in the claim. However, the four other works listed in that section appear to be the respondent’s allegedly *infringing* works, not your allegedly infringed works.

Registration Number PAU4166197 issued for a work titled “Brandon ‘Let’s Go.’” You did not list “Brandon ‘Let’s Go’” as one of the allegedly infringed works. However, supplemental documents filed with the claim include

a copy of the [Certificate of Registration](#) for that work, and what appears to be a screenshot, labeled “[YouTube Dispute 4](#),” which seems to reflect that you asked YouTube to remove works from the respondent’s YouTube channel, in May 2023, with the titles of the four allegedly infringing works listed above (“Network Engineer Gets Sexy Back!,” and so on).

If you file an amended claim, you must clarify these issues so that the Board and the respondent can understand them. The claim must include the title and author of each work that you allege was infringed, and its registration number, if it has been registered. 37 C.F.R. § 222.2(c)(7)(ii)(A)-(C). If you allege that “Brandon ‘Let’s Go’” was infringed, include that work in the “Works infringed” section. Do not list the respondent’s allegedly *infringing* works in that section.

Access

Your claim does not provide facts about how the respondent had access to your works. “Access” means a reasonable opportunity to view your works before the alleged infringement took place. Your claim does not state allegations about where or how your works were available before the alleged infringement so that the respondent had an opportunity to view it.

Some allegations in the “Describe the infringement” section of the claim suggest that you may have had some relationship with the respondent before the alleged infringement. You list certain “duties” that you performed to produce the content of the allegedly infringed works, and you assert, “I was not a ‘work for hire’ employee as there was no expressly written agreement between me and any other company.” However, you do not describe the nature of any prior relationship with the respondent, or any agreement or understanding you had related to the works.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include that your works (a) were sent directly to the respondent or a close associate of the respondent; (b) were widely disseminated or were available to the public or respondent; or (c) are so strikingly similar to the respondent’s works that they could not have been created independently. If you provided copies of the works to the respondent, please include facts that describe any agreement or understanding you had regarding the creation, ownership, and use of the works.

Substantial Similarity

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

You do not provide any detailed information describing or showing your works. Your allegations in the “Describe the infringement” section of the claim describe the process of making the works, but not the content of your works or the respondent’s works. In addition, you have not provided copies of the works as supplemental documents. As a result, the claim does not provide enough information about how your works and the respondent’s works are substantially similar. A supplemental document filed with the claim appears to be a

[takedown notice](#) that you sent to YouTube, asserting that a video posted on YouTube includes the “entire video” of “Bosley ‘Let’s go’,” and the “YouTube Dispute 4” document seems to assert that allegedly infringing works on the respondent’s YouTube channel include the “entire video” of “Brandon ‘Let’s Go,’” but you have not stated such allegations in the claim.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity, including a clear, detailed statement regarding which portions of your works were taken by the respondent in the allegedly infringing works, 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.

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.