



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0347

November 22, 2024

Joseph Hutchens

CLAIMANT

v.

Nordstrom

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 23, 2024**. 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.

### Noninfringement Claim – Clarity

A claim for a declaration of noninfringement asks the Board to find that your actions do not amount to an infringement of the respondent’s copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe. To proceed with such a claim, there must be an “actual controversy” between the parties over whether you infringed the respondent’s copyright. 28 U.S.C. § 2201(a); *see* 17 U.S.C. § 1504(c)(2). The claim must identify the party that accused you of infringement and must describe your allegedly infringing activity, the reasons why you believe no infringement occurred, and the reasons why you believe there is an “actual controversy” about the requested declaration. 37 C.F.R. §§ 222.2(c)(8)(i) & (iii)-(v).

Your noninfringement claim does not clearly state facts that meet those requirements. It does not clearly detail how the respondent Nordstrom has accused you of copyright infringement. In the “Work respondent says you have infringed” section of the claim, you state that the “Party asserting infringement” is “City of Novi”—not Nordstrom. No allegations in the claim describe Nordstrom, City of Novi, or anyone else accusing you of infringing the copyright in their work. The claim does not indicate that there is any controversy between you and

Nordstrom, or even between you and City of Novi if you were to replace Nordstrom with City of Novi as a respondent, over whether you infringed any copyright. You must present facts in an amended claim that indicate that there is an actual controversy between you and the respondent over whether your acts infringed the respondent's copyright, or your noninfringement claim cannot go forward. You should not file an amended claim if the respondent in the amended claim has not specifically accused you of copyright infringement.

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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