



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0034

United States Copyright Claims Board

Copyright Brand Protection Pvt. Ltd

CLAIMANT

v.

HA Sports Studio

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 **October 7, 2022**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the CCB 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 extra 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.

Copyright Infringement Claim – Registration

The Board can only hear a copyright infringement claim if, before the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

In your claim, you provided the service request number “SR-320-1213-11.” Board searches of Copyright Office records for this service request number and the named author did not return any results. Copyright Office service request numbers can be found in the applicant’s eCO account. They begin with “SR” and then have 10 to 11 numbers. Further, the title you have listed for the name of the work infringed contradicts the title (Australia vs Sri Lanka T20 Cricket Matches) listed in the “Describe the infringement” section of the claim.

If your work was neither registered nor subject to a pending application at the time your claim was filed before the Board, the claim cannot be successfully amended and cannot proceed. Instead, you will need to file an application for registration and then file your claim in a new proceeding. For more information on Registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement Claim – Legal or Beneficial Ownership

Your claim includes unclear statements about the claimant’s status as a legal or beneficial owner. To bring a copyright infringement claim before the Board, the claimant must be “the legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement for which the claimant seeks damages, if any [.]” 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue, or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

A claimant asserting an infringement claim, who is not an author or named copyright owner in the registration of the allegedly infringed work, must provide facts to support the assertion that the claimant is a legal or beneficial owner of the copyright rights at issue in the claim. If it is not readily apparent from supplemental materials submitted with the claim, you must provide some specific allegations about how the claimant owns, or has an exclusive license to use, the exclusive rights at issue. When the claim was submitted, you certified that the claimant was the legal or beneficial owner of rights in the work identified in the infringement claim. However, you did not provide a valid copyright registration number or service request number to show that claimant is the named copyright owner, and when you listed the works allegedly infringed, you listed Sky Group as the author of the work.

In the “Describe the infringement” section of the claim, you state that “[w]e are *legal partner* of Sky Group (“Sky Sports”) to protect their intellectual property rights which includes the rights to broadcast live audio-visual coverage of various properties licensed to Sky Sports, for the entire world.” (emphasis added). You further state “[a]s an *authorized agent* we are entitled to enforce these rights which have been licensed to Sky Sports” (emphasis added). You further state “the footage in the mobile applications has not been licensed by the *rights owner* and therefore violates the Exclusive Rights granted to Sky Sports.” (emphasis added.) This description does not explain how you are the legal or beneficial owner of the copyright rights at issue in this claim and, in fact, is contrary to any such assertion.

To correct this issue, you must add facts to the “Describe the infringement” section of the claim that explain the relationship between

Copyright Brand Protection Pvt. Ltd and Sky Group/Sky Sports in a way that details how Copyright Brand Protection Pvt. Ltd, obtained legal or beneficial ownership of each of the exclusive rights allegedly infringed by respondent, as opposed to simply being Sky Group/Sky Sports “legal partner” or “authorized agent.”

Copyright Infringement Claim – Clarity

A claim is not compliant if it does not provide enough information to enable the respondent to understand the claim and respond to it. It is not clear what wrongful activity the respondent is accused of doing.

The allegations in the “Describe the infringement” section field of your claim do not clearly describe the infringing acts. In the claim form, you state “The mobile applications being made available through the URLs below are making available footage from the Licensed Properties (‘AUS vs SL T20’). To our knowledge, the developer's use of the footage in the mobile applications has not been licensed by the rights owner and therefore violates the Exclusive Rights granted to Sky Sports.” Your description fails to specify what respondent allegedly did. Further, you will need to describe or suggest the link between respondent’s actions and the images included in the supplemental documents.

Please review the discussion at page 3 of the chapter on [Starting an Infringement Claim](#) in the CCB Handbook and confirm which of those six wrongful activities the respondent engaged in to infringe your copyright. When you file an amended claim, select only the wrongful activities that apply to the respondent, and in the “Describe the infringement” field, you will need to add detailed factual allegations about each wrongful activity that you allege. The amended claim must provide enough information for the respondent to understand what that respondent’s allegedly infringing acts were.

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 your claim included supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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.**”

Copyright Claims Attorney

September 7, 2022