



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0089

March 10, 2025

LaShanda Alexander

CLAIMANT

v.

Ashley Mackins

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 **April 9, 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.

Foreign Respondent

The Board cannot hear a claim “asserted against a person or entity residing outside of the United States.” 17 U.S.C. § 1504(d)(4). Information that you present indicates that the respondent resides outside the United States. The address you list in the “Respondent” section of the claim includes “APO, AE 09751,” which is information used to address mail to U.S. military stationed in Europe. See <https://faq.usps.com/s/article/How-Do-I-Address-Military-Mail>. That address indicates that the Board may not be able hear a claim against the respondent.

If the respondent does not reside in the United States, the Board cannot hear the claim. To address this issue, if you file an amended claim, it must include a valid mailing address for the respondent within the United States, and/or include additional information in the “Describe the infringement” section of the claim detailing why you believe that the respondent is a United States resident and that the address you supplied is correct.

Access

Your claim does not provide facts that indicate how the respondent had access to your work before the alleged infringement. “Access” means a reasonable opportunity to see or copy your work before the alleged infringement

took place. You allege that the infringement began on August 15, 2024, but you do not present enough information in the claim to indicate how it is reasonably likely that the respondent had access to your work in the first place.

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 how your work (a) was sent directly to the respondent, or a close associate of the respondent; (b) was widely disseminated or available to the respondent; or (c) is so strikingly similar to the respondent's work that the respondent could not have created it independently. Alternatively, you can upload copies of your work and the allegedly infringing work if they demonstrate that the works are so strikingly similar that they could not have been created independently. 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.

Substantial Similarity

Your claim also does not include enough facts to indicate how the allegedly infringing work is substantially similar to your work. To address this issue, if you file an amended claim, include more information about your work, the allegedly infringing work, and how the works are identical or substantially similar.

Copyright protection only extends to the specific creative expression in a work that is original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313.4 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Not all elements of a creative work are protected by copyright, and not all similarities are infringing. An alleged infringer must have copied your original elements of expression.

Your claim does not provide enough information describing or showing your work or the allegedly infringing work. You describe your work as “a personal photo,” and you state that the respondent “is using my photos to make videos or on her Thumbnail without my permission and using it in a malicious way.” However, you have not described how much of your work appeared in the respondent's video or thumbnail images, or for how long, and you have not provided copies of the works as supplemental documents. As a result, the claim does not provide enough information to enable the Board or the respondent to understand the alleged similarity of the works.

If 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 substantial similarity in material that copyright protects. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

Relief Sought

In the “Description of harm suffered and relief sought” section of the claim, you state that you are “seeking \$5,000, the highest amount allowed for mental and emotional embarrassment and stress.” The request seeks relief

that the Board cannot grant. The Board can award damages based on infringement, but it cannot award damages based on emotional distress. In a copyright infringement claim, the Board can only grant relief from activity that is found to be infringing, not from defamation or emotional harm. 17 U.S.C. §§ 1504(e)(1)(A) & 1504(e)(2)(A)(i). You should also be aware that the Board cannot hear claims that amount to defamation or are brought simply because you do not like what the respondent said about you. A Board determination will only answer the specific questions of whether there was infringement, and if there was, what damages should be awarded based solely on that infringement. More information about the available remedies can be found in the [Damages](#) chapter of the CCB Handbook.

If you file an amended claim, do not include a request for relief that the Board cannot grant.

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.