



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0109

April 23, 2024

Injaz Digital

CLAIMANT

v.

Meta

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 **May 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. 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) (a noninfringement claim before the Board must be “consistent with” 28 U.S.C. § 2201). Your noninfringement claim does not clearly detail how the respondent Meta has accused you of infringement.

In your misrepresentation claim, you allege that عبد الله sent Facebook a takedown notice seeking the removal of a “[m]usic video of our client Radwan Mahmoud” (Mahmoud). In the noninfringement claim, you indicate that the video was of a sound recording by Mahmoud titled “Al Eid Qad Gaa2,” which was uploaded on www.facebook.com/radwanmahmoudofficial, and you list Meta as the “[p]arty asserting infringement.” In the “Describe dispute with respondent” section, you state: “Respondent claims that we are infringing copyright but we are the authorized agent of this content.” However, your other allegations indicate that the accusation of infringement was not made by Meta. You further allege, “The person who is claiming my content [has] no relation to the song and is using a fake name and email address to abuse IP reports on Meta.”

Those allegations do not support a noninfringement claim against Meta because they describe a dispute over infringement of a copyright claimed not by Meta but by عبد الله. Without more, Meta informing you about a takedown notice it received does not mean that Meta itself accused you of infringement. The Board cannot hear a noninfringement claim against Meta if it has not claimed to own the copyright. Only a person claiming to own the copyright in a work and alleging that you have infringed that copyright can be a proper respondent for your noninfringement claim because only a copyright owner could bring a claim for infringement against you. If an actual controversy that the Board could consider exists over whether you infringed the copyright, the controversy seems to be between you and عبد الله, not Meta. It does not appear that Meta's legal rights are at stake in that dispute, so your noninfringement claim against Meta does not present an actual controversy that the Board can resolve. Your noninfringement claim must clearly identify who sent the takedown notice.

A noninfringement claim must also identify the party that accused you of infringement and must describe your allegedly infringing activity. 37 C.F.R. §§ 222.2(c)(8)(i) & (iii). It is not clear that the accusation of infringement makes Injaz Digital (Injaz) a proper claimant for this claim, because some of your allegations seem to indicate that it was Mahmoud, not Injaz, who posted the Facebook video and was accused of infringement in the takedown notice. You indicate that the takedown notice related to a “[m]usic video of our client Radwan Mahmoud.” The “Describe why you believe no infringement occurred” section of the noninfringement claim appears to quote the counter-notice, as it includes language that appears to be directed to Meta about a specific takedown request, such as: “Kindly reinstate my content and waive the report #933368498522674 as it’s affecting my official artist account.” It also appears to be written by a musical artist personally, as it describes the video that was accused of infringement as “my latest music video” and discusses “ownership over my own songs” and “my content.” These allegations suggests that Mahmoud may have written the counter-notice, and been accused of infringement, not Injaz.

If you raise your noninfringement claim in an amended claim, it must specifically describe an actual dispute between you and the respondent over whether your activities infringed the respondent's copyright. This claim may not proceed against Meta unless, in an amended claim, you can state facts that indicate that it claims an ownership interest in the copyright or that it controls the copyright, and that you reasonably anticipate that Meta, not عبد الله, may sue you for infringement. You must clearly allege how the accusation of infringement was made against you, and by whom, and explain what role, if any, you had in sending the counter-notice. More information about what is required to support a claim for a declaration of noninfringement is available in the [Starting a Noninfringement Claim](#) chapter of the CCB Handbook.

Misrepresentation Claim – Clarity

You have also raised a claim against Meta for misrepresentation in connection with a takedown notice under 17 U.S.C. § 512(f). Meta does not appear to be a proper respondent for this misrepresentation claim.

A misrepresentation that violates section 512(f) must be a false statement made to an online service provider in a takedown notice or counter-notice about the posting of a copyright-protected work. Your claim does not provide information about how Meta made that kind of misrepresentation. Instead, you allege that a person “is using a fake

name and email address to abuse IP reports on Meta.” Your allegations about statements made *to* Meta in a takedown notice do not support a claim against Meta under section 512(f). Meta is not liable for making any false statements in a takedown notice that it received. Also, to raise a section 512(f) claim, you must present facts that indicate that the alleged misrepresentation injured you, not just someone else. 37 C.F.R. §§ 222.2(c)(10). Your allegations do not indicate how Injaz, rather than Mahmoud, was injured by the alleged misrepresentation.

If you submit an amended claim, to support your claim of misrepresentation, you must provide additional facts to show that the respondent sent a takedown notice or counter-notice to an online service provider that included a false or incorrect statement of fact, and show or explain why the statement was false or incorrect, and the harm you suffered as a result of the false statement.

In addition, some of your entries in the claim form related to misrepresentation are not accurate. You state that the misrepresentation occurred in both the notice and the counter-notice. Your entry in the “Describe the content of the takedown notice” section instead describes the allegedly infringing work: “Music video of our client Radwan Mahmoud.” If you file an amended claim, it must provide the information required to state the facts of the claim.

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.

Copyright Claims Attorney