



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0063

March 22, 2023

Raj for Houston

CLAIMANT

v.

Raj Salhotra

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 21, 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.

Proper Claimant

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.” 17 U.S.C. § 1504(c)(1). The claim must include the claimant’s name and mailing address. [37 C.F.R. § 222.2\(c\)\(2\)](#).

The claimant name provided in this claim, Raj for Houston, appears to be incorrect. The claim identifies the allegedly infringed work as “Jim Olive’s copyrighted photographic image” and names Mr. Olive and Photolive, Inc. as authors of the work. A supplemental document filed with the claim appears to be a copy of a cease-and-desist letter from Mr. Olive addressed to the respondent as “Raj Salhotra (Raj for Houston),” which indicates that Raj for Houston is an entity associated with the respondent, not with Mr. Olive. In addition, Michael T. David, who filed this claim on February 11, 2023, filed six other claims the same day; each of the seven claims, including this one, alleges copyright infringement of a photograph by Jim Olive; and each of the seven claims, including this one, provides the same Copyright Office service request number. Nothing in the claim suggests that Raj for Houston owns any rights in the allegedly infringed work.

To maintain an infringement claim, you must file an amended claim that names a proper claimant, which must be a legal or beneficial copyright owner of the allegedly infringed work. The amended claim must also include specific allegations about how that claimant owns, or has an exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Authorized Representative

Parties who do not represent themselves before the Board must have an “authorized representative,” who must be either a lawyer in good standing, a qualified law student, or if the party is a business entity, an owner, partner, officer, member, or authorized employee of that business entity. 17 U.S.C. § 1506(d); 37 C.F.R. §§ 220.1(b) & 232.6(b). When Michael T. David filed this claim, he certified that he is an “authorized employee of the company.” However, as the Board has explained in the cases that Mr. David filed that same day on behalf of Photolive, he does not appear to be qualified to act as an authorized representative. See [Order to Show Cause, Photolive, Inc. dba Stockyard Photos v. Wes Supply LLC et al.](#), Case No. 23-CCB-0058 (March 14, 2023).

This claim cannot proceed unless an amended claim is filed by a proper individual claimant (for example, Mr. Olive) or through a valid authorized representative of a business entity (for example, an owner, partner, officer, member, or authorized employee of Photolive). If Mr. David files an amended claim, it must include supplemental documentation either showing that he is an attorney in good standing, or certifying and explaining how he is an owner, partner, officer, member, or an authorized employee of the claimant.

Registration Number

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 state that the work is not registered and provide a Copyright Office service request number. A Board review of that service number (“SR111835225959”) demonstrates that it is not a service request number for a pending application for registration. Instead, it is a number that was issued for hourly retrieval of in-process or completed Copyright Office records and additional copies of registration certificates.

To address this issue, if you file an amended claim, please provide the registration number for the work or the service request number for the application to register the work. Either the registration must have been issued or the complete application must have been delivered to the Copyright Office before you filed your claim on February 11, 2023. If your work was neither registered nor subject to a pending application at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Because this copyright infringement claim does not appear to be based on a work covered by a registration or pending application for registration, and does not appear to be brought by a proper claimant or authorized representative, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the registration issue and names a proper claimant, the Board will engage in a full compliance review, so you should review the [CCB Handbook](#) and make sure the rest of your amended claim is compliant.

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 supplementary 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