



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0257  
October 4, 2024

James A Colwell

CLAIMANT

v.

Jordan Mcfadden

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The claimant James A. Colwell (Colwell) filed this claim of misrepresentation under 17 U.S.C. § 512(f) before the Copyright Claims Board (Board) on August 28, 2024, alleging that the respondent had made false statements in a counter-notice to the online service provider X Corp. earlier that day. Colwell did not allege that X Corp. had relied on the counter-notice to restore the material that he identified as infringing. On September 5, 2024, the Board ordered Colwell to show cause why filing the claim at that time did not constitute bad-faith conduct, after the Board had warned him in earlier proceedings that such premature section 512(f) claims are prohibited.

In his response to the order to show cause on September 12, 2024, Colwell explained that he misunderstood section 512(f), thinking that a misrepresentation in a counter-notice would violate the statute even if an online service provider did not rely on it. Colwell also explained that unlike this claim, his earlier section 512(f) claim against the same respondent (*Colwell v. Mcfadden*, Claim No. 24-CCB-0130) involved content that X Corp. in fact *had* restored based on the respondent's counter-notice, and Colwell misunderstood that allegations he raised in only that proceeding would be considered in this one. The Board accepts his statements and finds that his actions in this proceeding do not constitute bad faith, although he should be on notice that if he files claims without following the Board's warnings in the future, he may then be found in bad faith.

The Board received a request from Colwell to withdraw this claim on October 3, 2024. The Board dismisses the claim without prejudice and closes case 24-CCB-0257. 37 C.F.R. § 222.17(a)-(b). Dismissal without prejudice means the claim can be filed again in the future provided there is no agreement with the respondent to the contrary.

Copyright Claims Board