



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0159
June 7, 2023

Donna M. Conner

CLAIMANT

v.

Blurb.com

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 **July 7, 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.

Clarity – Infringement Dates

An infringement claim must include a description of the facts related to the alleged infringement, including when the infringement began, if the claimant knows those facts. 37 C.F.R. § 222.2(c)(7)(iii)(B). In the “Infringement dates” section of the claim, you list the starting date as “09/01/2023.” That appears to be a mistake, as your claim was filed on May 5, 2023. If you file an amended claim, please correct the date that the alleged infringement began.

Section 512(f) – Misrepresentation by Respondent

You are also bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). The allegations in your claim do not describe a violation of section 512(f).

To violate section 512(f), a statement must misrepresent “that material or activity is infringing, or . . . that material or activity was removed or disabled by mistake or misidentification.” 17 U.S.C. § 512(f)(1)-(2). Your claim does not provide information about the respondent making any statement that the work is an infringement, or that access to the work was wrongly removed or disabled. A misrepresentation that violates section 512(f) must be a false statement made to an online service provider about the posting of a copyright-protected work. Your claim

does not provide information about the respondent making a misrepresentation in a takedown notice or counter-notice to an online service provider. In fact, you claim that the respondent is itself an online service provider. You also state that you sent the respondent an email saying that “they need to pay me for selling my book or they would be sued,” and that the respondent did not comply, “ignored” the issue, and “asked for more work.” What you are describing is a cease-and-desist entity to an entity that you believe is infringing your work, not a misrepresentation in a takedown or counter-notice under section 512, which is a false statement that results in an online service provider either removing or re-posting the work at issue. You allege that the work was not removed at all. You have not alleged the type of false statement that section 512 addresses so your misrepresentation claim cannot go forward.

More information about the elements required to assert a claim of misrepresentation under section 512 is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook. If you submit an amended claim that includes the misrepresentation claim, you must include additional facts to show that a takedown notice or counter-notice, sent to an online service provider by the respondent, included a false or incorrect statement of fact (that material or activity was infringing, or was removed by mistake or misidentification), and show or explain why that statement was false or incorrect. Alternatively, you may file an amended claim that omits the misrepresentation claim and focuses on the alleged infringement 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