



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0223  
June 16, 2025

Adreena S. Marko

CLAIMANT

v.

Sun City Leather Association and Joslyn Raia

RESPONDENTS

## ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 16, 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.

### Allegedly Infringed Works

A copyright infringement claim before the Board must include the title of each allegedly infringed work. Your infringement claim alleges infringement of multiple photographs, but in the “Works infringed” section of the claim, you provide only a single title for all of the photographs: “Kitty’s Bootblack work.” As a result, the claim does not make clear which photographs, or how many, are the basis of your claim.

To address this issue in an amended claim, specify the title of each allegedly infringed photo in separate entries in the “Works infringed” section. You should use the same titles as the deposit copies you gave the Copyright Office in your application to register the works (for example, “20240414\_135456.jpg”) so the Board can properly compare the works.

### Misrepresentation – Reliance

You are also bringing a claim of misrepresentation in connection with a counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online.

Your claim must make enough factual allegations to support each “element” of the claim. The elements of misrepresentation that apply to your claim are:

1. The respondent sent an OSP a counter-notice, denying the claim of infringement in a takedown notice, and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP’s decision to restore the content, and
5. You were harmed as a result of the OSP’s decision to repost the content.

17 U.S.C. § 512(f). A misrepresentation in a counter-notice only violates section 512 of the Copyright Act if the OSP relies on it to restore the allegedly infringing content.

There is no allegation in the claim that the OSP (Fetlife) restored the content. Without such an allegation, your misrepresentation claim cannot go forward. Moreover, information in your claim suggests that Fetlife had not, and would not have, restored the content based on the alleged misrepresentations by the time that the claim was filed.

“Safe harbor” provisions in section 512 of the Copyright Act protect certain OSPs from paying damages for infringement claims if they restore allegedly infringing material, ten to fourteen business days after receiving a proper counter-notice, unless they first receive notice of an infringement claim filed against the alleged infringer in court or before the Board. More information is available on the Copyright Office’s [section 512](#) page. You state that you sent a takedown notice to Fetlife on June 2, 2025, requesting removal of multiple allegedly infringing images on Fetlife.com, and that respondent Joslyn Raia sent a counter-notice to Fetlife on June 5, 2025, requesting the restoration of the images. You indicate that when Fetlife sent you the counter-notice, it told you: “We will restore the material in question in 7 days unless we are contacted with a court order in favor of it’s removal.” You filed this claim before the Board on June 6, 2025, the day after the counter-notice was sent. The proximity of these dates suggests that Fetlife would not have reinstated the material at the time you filed your claim.

If Fetlife did restore the allegedly infringing images before you filed this claim on June 6, 2025, your amended claim must state facts about that restoration. However, if the images had not been restored in reliance on the respondent’s counter-notice by that date, this misrepresentation claim cannot move forward, and you must omit the misrepresentation claim from any amended claim that you choose to submit. Your infringement allegations can only move forward if you amend your claim to omit the misrepresentation allegation, or sufficiently explain how Fetlife had relied on the counter-notice to reinstate the allegedly infringing photographs by June 6, 2025.

## **Relief Requested**

Copyright infringement and misrepresentation claims before the Board must include a statement of harms suffered and the relief sought by the claimant as a result of the alleged activity. In the “Description of harm suffered and relief sought” sections of your claim, you include requests for several forms of relief that the Board cannot grant: “I seek the relief of all images permanently removed from any and all websites related to Sun City

Leather Association and Joslyn Raia. As well as \$5,000 for reimbursement of all filing fees and emotional distress of the situation.”

The Board cannot grant any relief against non-parties, including for example the owner or operator of FetLife.com, the website on which you allege the respondents posted infringing images. Also, unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an “injunction”) unless the respondent notifies the Board that, if found liable for infringement, they will stop or modify the activity. (Respondents may decide to agree to stop or modify their infringing activity because, if they are found liable, the Board may consider that agreement when it decides how much to award as damages.) While you can state in your claim that you would like the respondents to agree to stop or modify the allegedly infringing activities, you cannot demand it as part of your claim.

You selected “Yes” to the “smaller claims” option in the claim form. The smaller claims option is for claimants who wish to seek a maximum of \$5,000 in damages in a proceeding, so you may request up to that amount in damages. Damages awards, however, do not include reimbursement of costs or fees associated with bringing a claim. All parties in a claim before the Board must bear their own costs and attorneys’ fees, except in cases where a party engages in bad-faith conduct during the course of the proceeding. 17 U.S.C. §§ 1506(e)(3), (y)(2). Costs incurred when a claim is filed are not a basis for relief in a Board proceeding. The Board also cannot award damages based on emotional distress.

To address these issues in an amended claim, you should include a description of how the alleged harms are attributable to the alleged infringement (and the alleged misrepresentation, if you do not omit the misrepresentation claim), and do not request any relief that the Board cannot grant. More information is available in the [Damages](#) chapter of the CCB Handbook.

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](mailto: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 Board