



# COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0063

February 24, 2025

izmo, inc.

CLAIMANT

v.

One Switch Rent a Car

RESPONDENT

## 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 **March 26, 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

You have raised a copyright infringement claim before the Board. You allege infringement of twenty photographic images that are listed in the “Works infringed” section of your claim, along with Copyright Office registration numbers for those images. A supplemental document filed with the claim labeled [One Switch Rent a Car Screenshots.pdf](#) (Screenshots) presents allegedly infringing images on the respondent’s website, Facebook and Instagram pages. However, Copyright Office records indicate that five of the registered works listed in the “Works infringed” section are images that do not appear in the Screenshots document. In particular:

- The work titled “toyota\_15camryxse8a\_angularfront” is covered by Reg. No. VA0002103204. The deposit copy of that work filed with the Copyright Office is an image of a dark green Toyota Camry XSE. However, the Camry XSE in the Screenshots document at pages 19 & 50 is black, not dark green.
- The work titled “toyota\_16corollale11a\_frontview” is covered by Reg. No. VA0002146394. The deposit copy of that work filed with the Copyright Office is a front-view image of a gray Toyota Corolla. However, the front-view Corolla image in the Screenshots document at pages 10 & 40 is red, not gray.
- The work titled “hyundai\_18elantraecsd6fa\_angularfront” is covered by Reg. No. VA0002227289. The deposit copy of that work filed with the Copyright Office is an image of a black Hyundai Elantra. However, the Elantra in the Screenshots document at pages 11 & 13 is white, not black.

- The work titled “dodge\_17grandcaravansefw5fa\_angularfront” is covered by Reg. No. VA0002227311. The deposit copy of that work filed with the Copyright Office is an image of a white Dodge Caravan. However, the Caravan in the Screenshots document at pages 7 & 35 is dark gray, not white.
- The work titled “jeep\_15cherokeelimitedsuv5b\_angularfront” is covered by Reg. No. VA0002240335. The deposit copy of that work filed with the Copyright Office is an image of a white Jeep Cherokee. However, the Cherokee in the Screenshots document at pages 2 & 21 is black, not white.

You have not presented enough facts that would support a claim of infringement of those five works, and it seems that you may have misidentified those works as infringed. If you file an amended claim alleging infringement of those five works, you must either state additional facts or provide additional documents that provide a basis to find that the respondent used those works without authorization. If you cannot present facts or documents to support a claim based on those works, you must not include them in an amended claim.

## **Access**

Your claim does not provide facts that indicate how the respondent had access to your works before the alleged infringement. “Access” means a reasonable opportunity to see or copy your works before the alleged infringement took place. You assert that the respondent “accessed” your images, but you do not support that bare assertion with information that indicates where or how your images were available for the respondent, or anyone else, to access. You describe the allegedly infringed works as “part of izmo’s extensive collection of automotive digital content,” but your claim does not describe anywhere that your works have been published, or present enough information to indicate how it is reasonably likely that the respondent had access to your works in the first place.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include how your works (a) were sent directly to the respondent, or to a close associate of the respondent; (b) were widely disseminated or available to the respondent; or (c) are so strikingly similar to the allegedly infringing works that the respondent could not have created its works independently.

Alternatively, you can upload copies of your works and the allegedly infringing works if they demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

## **Substantial Similarity**

Your claim also does not include enough facts that explain the similarities between your works and the respondents’ allegedly infringing works. If it is not readily apparent from supplemental documents submitted with the claim, you must provide some specific allegations about how the allegedly infringing works are substantially similar or identical to your works.

Your claim includes a brief description of each allegedly infringed image in the “Works infringed” section, and the Screenshots document appears to include images of allegedly infringing works, but it does not include images of

your allegedly infringed works. A spreadsheet filed with the claim appears to include hyperlinks to a Google Drive folder where images of allegedly infringing and infringed works are stored. However, when reviewing claims, the Board will not take into account material that is solely referred to in hyperlinks and not uploaded as supplemental documents, in part because hyperlinks can lead to material that is no longer available online. In this case, some of the links that you provided are no longer available. As a result, the claim does not provide enough information to enable the Board to understand the similarity of the works.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity. Please provide more details and background regarding this element in your amended claim, including a clear, detailed statement regarding which of your works were taken by the respondent in the allegedly infringing works, or documents that are sufficient to show their similarities. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other. For example, you may present a document that shows each work that you allege was infringed alongside a corresponding image of an allegedly infringing use of that work by the respondent.

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