



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0370

December 5, 2024

Late Night Crew LLC

CLAIMANT

v.

Troi Torain

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 **January 6, 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.

### Misrepresentation – Misrepresentation Made in Notice

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

An OSP is a provider of online services to store (and make available), refer to, provide access to, or link to material that is available online. For your claim, the OSP is YouTube, the organization that received the notice and counternotices at issue.

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 notice claiming online content or activity was infringing,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP’s decision to take down the content, and
5. You were harmed as a result of the OSP’s decision to remove the content.

17 U.S.C. § 512(f). “Safe harbor” provisions in section 512 shield certain OSPs from paying damages for copyright infringement claims if, among other things, they take steps to quickly remove or disable access to allegedly infringing material when the copyright owner sends them a proper takedown notice; and if they restore that material ten to fourteen business days after the uploader sends them a proper counter-notice seeking reinstatement—unless the copyright owner files an infringement claim in federal court or before the Board, and notifies the OSP of the claim before the OSP reinstates the material. More information is available on the Copyright Office’s [section 512](#) page.

To sustain a misrepresentation claim, the respondent must have made the false or incorrect statement of fact within the takedown notice submitted to the OSP. You state that the claimant has made misrepresentations in a claim filed with the Copyright Claims Board, *Troi Torain v. DaShay Hall*, [24-CCB-0362](#). These statements were made only in the CCB claim itself. There are no allegations that these statements were made in the notice submitted to YouTube.

You should only submit an amended claim if you can identify misrepresentations made within the takedown submitted by the respondent on November 13, 2024, and can make allegations to support each element of a misrepresentation claim. For more information, please see [Starting a Misrepresentation Claim](#) at page 3.

## Misrepresentation – Damages

Your claim requests statutory damages. Statutory damages are only available for claims of infringement. 17 U.S.C. § 1504(e)(1)(A),(C). If you submit an amended claim, you should remove references to statutory damages as a request for relief.

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