



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0395

February 18, 2025

Joseph Silvestro

CLAIMANT

v.

Nathan Taylor

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 20, 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.

### Permissible Claim

The Board is only authorized to resolve certain types of copyright disputes. 17 U.S.C. § 1504(c)(1)-(3). You checked the box on the claim form to state that your claim is for copyright infringement, which is a type of claim that the Board can address. However, in the “Describe the infringement” section of your claim, you entered only: “copyrighted artwork on youtube and defamation of character.” The Board is not authorized to hear defamation claims. 17 U.S.C. § 1504(d)(1).

In addition, in the “Description of harm suffered and relief sought” section, you entered: “Causing all kinds of problems in the Furry Keys and suicidal intentions for the makers[.] Relief in the amount of \$5,000.” The Board can award damages based on infringement, but cannot award damages based on emotional distress. In a copyright infringement claim, the Board can only grant relief from activity that is found to be infringing, not from defamation or emotional harm. 17 U.S.C. §§ 1504(e)(1)(A) & 1504(e)(2)(A)(i). More information about the available remedies can be found in the [Damages](#) chapter of the CCB Handbook.

If you file an amended claim, make clear what you are asking for, and do not include a request for remedies that the Board cannot provide.

## Copyright Registration

The Board can only hear a copyright infringement claim if, *before* the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). The Board can only determine that a work has been infringed after the Copyright Office registers the work. 17 U.S.C. § 1505(b)(1)(A). The claim must include specific information about each allegedly infringed work including its Copyright Office registration number and effective date of registration or, if it is not registered, the service request number for a pending application for registration. 37 C.F.R. §§ 222.2(c)(7)(ii)(A)-(D).

You allege infringement of two works titled “Alan Lubeski with Crown” (Crown) and “YOU are Welcome at The Furry Keys” (Keys). You indicate that the copyrights were not registered when you filed the claim on December 22, 2024, and you list Service Request No. 1-14590271787 for an application for registration of both works. On January 30, 2025, the Copyright Office registered Crown but it did not include Keys in the registration, and Copyright Office records indicate that the application has been closed.

If you file an amended claim alleging infringement of Crown, update the “Works infringed” section to state that the work has been registered and include Registration Number VA0002430551 and the effective date of registration, December 22, 2024. However, because Keys was not registered, you must remove it from the “Works infringed” section unless you can identify a different, pre-claim registration or application for registration of that work, and provide its registration number or service request number. Otherwise, to proceed with a claim of infringement of Keys, you would need to file a new application to register the copyright before you could refile the claim in a new proceeding.

For more information on registration, please refer to the Copyright Office [Registration Portal](#).

## Access

Your claim does not provide facts about how the respondent had access to your work(s). “Access” means a reasonable opportunity to view or copy your work before the alleged infringement took place. The “Describe the infringement” section of the claim does not indicate anywhere that your work(s) had been published, displayed, or made available in any other way.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. You must include allegations related to access for each allegedly infringed work. Acceptable allegations of access may include how the work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the respondent; or (c) is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if those images demonstrate that the works are so strikingly similar that they could not have been created independently. Your claim provides copies of Crown and Keys as supplemental documents, but no copies of any respondent work. If you include

copies of the works at issue, 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 work and the respondent's allegedly infringing work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how your work and the allegedly infringing work are identical or substantially similar.

You describe your Crown and Keys works in the "Works infringed" section of the claim and you include copies of both works as supplemental documents. However, you do not provide any information describing any respondent work, or how it is similar to any of your works. In addition, you have not provided copies of any respondent works as supplemental documents. As a result, the claim does not provide enough information to enable the respondent to understand the claim and respond to it.

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

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