



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0103

April 20, 2023

Christy Castro

CLAIMANT

v.

Jamie Sone

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 **May 22, 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.

### Legal or Beneficial Owner

You have provided conflicting information about the claimant's status as a legal or beneficial owner of the allegedly infringed work. To bring a copyright infringement claim before the Board, the claimant must be a "legal or beneficial owner of the exclusive right [in a copyrighted work] at the time of the infringement." 17 U.S.C. § 1504(c)(1). A legal owner is an author of the work who owns the exclusive rights at issue, or a person or entity that has received a transfer of those rights, for example, by an assignment or an exclusive license. A beneficial owner is a legal owner who has transferred the rights at issue but retains some of the advantages of ownership, such as the right to receive royalties from the use of the work. A claimant who is not an author or named copyright owner of the allegedly infringed work must provide some specific details or supplemental documents explaining how the claimant owns, or has an exclusive license to use, the exclusive rights at issue.

The claim does not present facts that indicate that Christy Castro ("Castro") is a proper claimant. The "Works infringed" section of the claim states that the allegedly infringed work is a video clip titled "Cole Mahanay Cortner Independent Movie Scene," and that Cole Cortner ("Cortner") is its author. The registration certificate for that

work (Registration No. PAu004079516) names Cortner as the sole author and the copyright owner. The claim does not show or explain how Castro owns, or has an exclusive right to use, any exclusive rights in the work.

To correct this issue, if you file an amended claim, it must either name Cortner as the claimant instead of Castro, or include specific allegations about how Castro obtained legal or beneficial ownership of copyright. If any information in the claim identifying the claimant or the author of the work is inaccurate, you may correct that information in an amended claim. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

### **Authorized Representative**

The claim form lists Cortner as the authorized representative of the named claimant Castro. If Cortner is in fact the copyright owner and the appropriate claimant, and if an amended claim is filed naming Cortner rather than Castro as the claimant, Cortner may represent himself. However, only an attorney or qualified law student may represent another individual before the Board. 17 U.S.C. § 1506(d)(1)-(2). It is not apparent that Cortner is an attorney or law student. To correct this issue, if you file an amended claim on behalf of Castro, you must either remove Cortner as Castro's authorized representative or include information that indicates that Cortner is an attorney or qualified law student.

### **Contact Information**

The contact information supplied in the claim raises questions about its veracity and completeness.

The claim must include the claimant's mailing address. If the claimant is represented by an attorney or other authorized representative who is qualified as described above, the claim must include the representative's mailing address, email address, and phone number; otherwise, it must also include the claimant's email address and phone number. [37 C.F.R. § 222.2\(c\)\(2\)-\(4\)](#). Your claim provides the same address, email address, and phone number for both the representative and for the claimant. However, the email address includes Cortner's name, so it appears to belong to Cortner rather than Castro. The mailing address entered for both Cortner and Castro does not have the usual attributes of an address because it provides neither a street address nor a post office box number. If you file an amended claim, please be certain that the address you provide is an actual address at which the claimant can receive mail. To file a claim, you must certify that the statements in the claim are accurate and truthful to the best of your knowledge, including the contact information. 17 U.S.C. § 1506(y)(1); 37 C.F.R. §§ 222.2(c)(12) & 232.2(c). If the contact information provided in the claim is not correct, you may address this issue by filing an amended claim that states the correct contact information for the claimant and for any authorized representative.

### **Relief Requested**

It appears that you may be seeking a larger damages award than the Board can grant. In the "Description of harm suffered and relief sought" section of the claim, you allege, "I have lost the fees associated with utilizing my work which is \$30,000 per upload and 50% of the profits made on the channels with my work." However, the most that respondents can be ordered to pay in damages in a Board proceeding is \$30,000. 17 U.S.C.

§ 1504(e)(1)(D). Please be aware that if the Board were to award \$30,000 in damages, it could not also award any alleged profits in addition.

## Supplemental Documentation

You uploaded five additional filings that seem to include supplementary information after filing your claim. These filings will not be considered a part of your claim unless you upload them with your amended claim using the instructions below. Please make sure that any attachments to your amended claim are relevant to the claim. The Board also notes that you designated four of those filings as “private.” This is not appropriate. Supplemental materials that you upload with any amended claim you file will be viewable by the public.

Several of the additional filings appear to allege infringement of other works. To raise a claim of infringement of other works, your amended claim must list each allegedly infringed work in the “Works infringed” section, and state facts describing how each work was infringed in the “Describe the infringement” section.

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 Attorney