



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0170

United States Copyright Claims Board

Jermaine Applewhite

CLAIMANT

v.

IL Dept of Health and Family Services
Division of Child Support Services

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **November 21, 2022**. 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. There is no extra filing fee for a second amended claim. If you amend your claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B), [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended claim before you file a second amended claim.

Improper Respondent – Federal or State Entity

As the initial noncompliance order, also dated October 21, 2022, explained, the Board cannot hear any “claim or counterclaim by or against a Federal or State governmental entity.” 17 U.S.C. § 1504(d)(3). Your amended claim is against the Illinois Department of Health and Family Services Division of Child Support Services, which is a state governmental entity, and therefore is not a proper respondent for a claim before the Board. If you do not submit a second amended claim against a respondent that can appear before the Board, the Board will dismiss this proceeding without prejudice.

Copyright Infringement Claim – Registration

As the initial noncompliance order also explained, 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).

In your amended claim, you state that the work was registered. However, a Board search of Copyright Office records indicates that the registration number you provided (000755081) is an invalid registration number. To address this issue, if you file a second amended claim, please provide the registration number for the work or the service request number for the application to register the work.

Either the registration must have been issued or the application must have been delivered to the Copyright Office before you filed your claim on September 26, 2022. If your work was neither registered nor subject to a pending application at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to apply to register the copyright for the allegedly infringed work before you could refile your claim as a new claim. For more information on registration, please refer to the Copyright Office [Registration Portal](#).

Copyright Infringement Claim – Infringed Work

Your amended claim alleges that the infringed work is your name, Jermaine Applewhite. Your description of the alleged infringement is: “They used my name without my written consent.” You further contend, “I suffered harm as a result to this activity because they used my name on a document to cause me financial harm and defamation of character.”

That is not a valid basis for a copyright infringement claim because names are not copyrightable. See [37 C.F.R. § 202.1\(a\)](#). More information is available in the Copyright Office publication [Circular 33, Works Not Protected by Copyright](#). To address this issue, if you file a second amended claim alleging copyright infringement, the allegedly infringed work must be a work that is subject to copyright.

Final Amendment

Your amended claim does not resolve the issues raised in the initial noncompliance order. If you file a second amended claim, it must state enough facts in support of the claim alleged to move forward. **This is your third and final opportunity to submit a compliant claim in this proceeding. If you raise any claims that your allegations do not support, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B). In the alternative, you can delete any unsupported claim allegations in your second amended claim.

To submit a second 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 supplementary documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents that are directly related to your claim.
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. 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. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney

October 21, 2022