



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0101

March 31, 2025

jean-phillipe grange

CLAIMANT

v.

newport enterprises group llc

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 **April 30, 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.

Respondent – Clarity

Your claim appears to provide incorrect information about who you are bringing the claim against (called a “respondent”) and about the contact information for the respondent. In the “Description of harm suffered and relief sought” section of the infringement claim, you assert that a David Marchant violated various federal laws including Title 17 (Copyright), but you did not name him as a respondent. The respondent named in the “Respondent” section of the claim is “newport enterprises group llc,” but other allegations in the claim indicate that you are the CEO of that entity and that you work out of its Geneva office.

In addition, you provide the same contact information in the “Respondent” section for the respondent and for the respondent’s designated service agent that you list for yourself in the “Claimant” section. If you submit an amended claim, the “Respondent” section must include the respondent’s name and mailing address, not yours.

Allegedly Infringing Activity

You have raised a claim of copyright infringement of a sound recording and a photograph. Your claim does not include clear allegations that describe how those works were infringed. Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, publicly display, and publicly perform the work,

and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

Your claim does not present enough facts to clearly state how the alleged infringer used any exclusive rights you have in the sound recording and photograph without permission. In the “Describe the infringement” section of the claim, you state that Mr. Marchant called your office and obtained your photograph and voice recording “to display and promote defamation against me on the Internet.” However, you do not clearly allege, for example, how and in what way the respondent, without your authorization, displayed the photograph or distributed the sound recording. If you submit an amended claim, you must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the named respondent engaged in the infringing activity. You should be as detailed as possible, setting forth what the respondent did in relation to each allegedly infringed work.

In addition, your allegations about the sound recording appear to describe activity that a copyright infringement claim cannot address. To qualify for copyright protection, a sound recording must be recorded by the author or with authorization from the author. The “Works infringed” section of the claim describes the allegedly infringed recording as a “sound recording in my Geneva Office . . . with David Marchan[t]/Offshorealert and Sam Zumba.” A Board review of the deposit you submitted to the Copyright Office to obtain registration for that work indicates that it is a copy of a phone call in which Mr. Marchant called your office and spoke with you and Mr. Zumba, who told Mr. Marchant shortly before ending the call: “you do not have permission to tape this recording, ‘cause I know you are.” You appear to allege that Mr. Marchant recorded the call without your authorization and then posted the recording online. The unauthorized recording of a phone conversation, or a distribution of a recording of that conversation, is not an act of copyright infringement. An amended claim that asserts infringement of the sound recording cannot move forward unless it shows that, despite the content of the deposit copy, you made or authorized the original recording. Alternatively, you may file an amended claim that omits the sound recording from the list of allegedly infringed works in the “Works infringed” section.

Access

Your claim does not clearly name the respondent or provide clear facts that indicate how the respondent had access to your works in the first place. “Access” means a reasonable opportunity to hear, see, or copy your works before the alleged infringement took place. You indicate that Mr. Marchant obtained the sound recording by calling your office to record it, but you have not named Mr. Marchant as a respondent. You also allege that he obtained your photograph, but you do not state any facts that indicate where or how the photograph was available to him, or how either work was available to the respondent.

To address this issue, you must submit 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 work(s) (a) were sent directly to the respondent or a close associate of the respondent(s); (b) were widely

disseminated or were available to the respondent; or (c) are so strikingly similar to the respondent's works that the respondent could not have created them independently. Alternatively, you can upload copies of your work(s) and the allegedly infringing work(s) 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 materials, 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(s) and any allegedly infringing work(s). If it is not readily apparent from supplemental documents submitted with the claim, you must provide specific allegations about how your work(s) and the allegedly infringing work(s) are substantially similar. You allege generally that Mr. Marchant obtained the photograph and sound recording, but you do not identify any work used by a named respondent or any allegedly infringing work, and you do not state or show how your works and the allegedly infringing works are identical or substantially similar. You list several hyperlinks in the "Where the alleged infringing acts occurred" section, but in part because hyperlinks can lead to material that is no longer available online, the Board will not take into account material that is solely referred to in a hyperlink and not uploaded as supplemental material in the "Supplemental documentation" section. In addition, you have not provided a copy of any of the works as supplemental material. 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 portions of each allegedly infringed work was used by the respondent, or documents that are sufficient to show the similarities. Upload any relevant material you want the Board to review as supplemental material, not just as hyperlinks. If you include copies of the works as supplemental material, then as discussed above, they must be clearly labeled and identified so they can be properly compared.

Relief Requested

The Board is only authorized to provide remedies for certain copyright claims. Information about the forms of relief available from the Board can be found in the [Damages](#) chapter of the CCB Handbook. In the "Description of harm suffered and relief sought" sections of your infringement claim and of your misrepresentation claim, you allege a wide range of activity for which the Board cannot provide relief, including criminal offenses, violations of FATCA and of Titles 12, 31, and 37 of the U.S. Code, and conspiracy to defraud. If you submit an amended claim, do not allege that you are pursuing remedies from the Board that it may not provide.

Misrepresentation

You are bringing a claim of misrepresentation in connection with a takedown notice or counter-notice under 17 U.S.C. § 512(f). A misrepresentation claim must allege that the respondent made a false or incorrect statement to an online service provider (OSP) related to a copyright-protected work posted online. Your misrepresentation

allegations do not describe a violation of section 512(f). You allege that you sent Google and/or Lumen Database more than 100 takedown notices (“complaints”), and that you have also sent them counter-notices, but you do not describe any notice, counter-notice, or other statement that anyone other than you made to an OSP. You also include several hyperlinks to a page on Lumen Database where you assert the contents of your takedown notices are available, and you state, “you will find all the details online.” However, as discussed above, the Board does not review those hyperlinks. Allegations and facts in support of the claim must be within the claim to be considered as part of the claim.

Without allegations or documents that indicate that the respondent made a misrepresentation to an OSP, and that the OSP relied on the misrepresentation to restore or remove the allegedly infringing material, your misrepresentation claim cannot go forward. If you submit an amended claim, you must omit the misrepresentation claim or include enough facts to support the elements of the claim. More information about the elements of a misrepresentation claim is available in the [Starting a Misrepresentation Claim](#) chapter of the CCB Handbook.

Supplemental Documents

You uploaded ten files as supplemental documents. Two of the files show the registration certificates for the allegedly infringed photograph and sound recording. It is not clear how the other supplemental documents added to your claim support or relate to a copyright claim. If you submit an amended claim, please include only documents that directly pertain or relate to the claim, and provide an explanation of their relevance if it is not clear.

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. 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