



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0011

January 23, 2025

Omayra Figueroa-Quintana

CLAIMANT

v.

Page Publishing

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 **February 24, 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. 17 U.S.C. § 1506(f)(1)(B). However, you should not submit an amended misrepresentation claim if you know that it cannot be properly amended.

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 a declaration of noninfringement, which is a type of claim that the Board can address. However, your allegations appear to describe a breach of contract dispute, not a claim related to copyright infringement or noninfringement. A breach of contract is a violation of any of the agreed-upon terms and conditions of a binding contract.

A claim for a declaration of noninfringement asks the Board to find that your actions do not amount to an infringement of the respondent's copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe. The claim must identify the party that accused you of infringement and must describe your allegedly infringing activity, the reasons why you believe no infringement occurred, and the reasons why you believe there is an actual controversy about the requested declaration. 37 C.F.R. §§ 222.2(c)(8)(i) & (iii)-(v).

Your allegations do not state facts that meet those requirements. Instead, you indicate that the respondent Page Publishing (“Page”) agreed to publish your book in a signed [Publishing Agreement](#) dated April 23, 2021, but that Page failed to satisfy its obligations under that agreement. If a party to a contract does not fulfill an obligation stated in the contract, it is typically considered a breach of contract. The Board is not authorized to hear claims for breach of contract. 17 U.S.C. § 1504(d)(1).

It also does not appear that the Board can hear your claim because an “arbitration clause” in Paragraph 15 of that agreement appears to require that any “dispute, controversy, or claim” you have with Page regarding the agreement must be submitted to arbitration, not determination by the Board. In lawsuits brought by Page and against Page, based on the same arbitration clause, courts have required the parties to take their disputes to arbitration instead of litigating in court. *See Page Publishing, Inc. v. Hemmerich*, 287 A.3d 948 (Pa. Sup. Ct. Dec. 28, 2022), available at <https://www.pacourts.us/assets/opinions/superior/out/J-A25007-22o%20-%20105383729207514095.pdf>; *Blessing v. Hoffman*, No. A-0416-20, 2021 WL 2373529 (N.J. Super. Ct. App. Div. June 10, 2021), available at <https://www.njcourts.gov/system/files/court-opinions/2021/a0416-20.pdf>.

You should only file an amended claim if you can state facts to support a claim under copyright law that can be heard by the Board. Please review [Circular 1: Copyright Basics](#) and the [Introduction](#) chapter in the CCB Handbook for more information about copyright and the kinds of disputes that the Board can hear. If you file an amended claim, it must state facts that support a type of claim that the Board may address, and it must also show that the dispute may be resolved by the Board despite the arbitration clause in your agreement with Page.

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.

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