Gaetan P Joseph	*V.*	Robert Junior
CLAIMANT		**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 26, 2024**. 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.

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).

In the "Works infringed" section of your claim, you state that the Copyright Office has not registered the allegedly infringed work, and you provide a service request number 1-13635382341 for a pending registration application for the work. However, a Board search of Copyright Office records for that application found that the Copyright Office has not received a deposit copy of the allegedly infringed work. The term "deposit" refers to the copy or copies of a work that must be submitted to the Copyright Office with an application for registration. Information about the deposit requirement for registration is available in **Chapter 1500** of the *Compendium of U.S. Copyright Office Practices, Third Edition*. The Board cannot hear this claim unless a deposit copy of the work was delivered to the Copyright Office before the initial claim was filed.

To address this issue, if you file an amended claim, please include the registration number for the work or a

service request number for an application to register the work. Either the registration must have been issued, or the application, deposit, and fee must have been delivered to the Copyright Office, before you filed your claim on March 19, 2024. If you had not delivered a deposit of your work to accompany your application and fee at that time, this claim cannot be successfully amended and cannot proceed. Instead, you would need to submit a deposit to support your pending application to register the copyright before you can refile your claim as a new claim. For more information on registration, please refer to the Copyright Office **Registration Portal**.

Because you have filed a copyright infringement claim that does not appear to be based on a work covered by a registration or pending application for registration, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the registration issue, the Board will engage in a full compliance review, so you should review the **CCB Handbook** and make sure the rest of your amended claim is compliant.

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 Attorney