



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0337

November 15, 2024

Triple Crown Publications

CLAIMANT

v.

Joylynn Jossel-Ross

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 **December 16, 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. 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.

### Allegedly Infringed Work – Clarity

You are bringing a claim of copyright infringement. The claim must state the title of the allegedly infringed work. 37 C.F.R. § 222.2(c)(7)(ii)(A). Your claim includes confusing allegations identifying the work.

In the “Works infringed” section of the claim, you list a single work that you describe as a “fiction novel about a drug addict entitled Crackhead 1 and Crackhead 2.” In the “Title of work” field, you list the title of your allegedly infringed work as “ADDICT.” However, other allegations in the claim indicate that “ADDICT” is the title of the allegedly infringing work, not the work you claim was infringed. You state that the Copyright Office registered your work with Registration Number TX0006166242. Copyright Office records show that the registration issued for a literary work published in 2005 titled “Crackhead.” In addition, a supplemental document filed with the claim appears to be the contents of a book titled “Crack Head II: Laci’s Revenge.” Its copyright page says: “Compilation and Introduction copyright © 2008 by Triple Crown Publications.” Registration Number TX0006166242, however, only covers the literary work titled “Crackhead.” If you file an amended claim alleging infringement of that work, you must change the title in the “Title of work” field of the claim to “Crackhead.”

If you intend to allege infringement of both “Crackhead” and “Crackhead II,” you should add the information (including copyright registration information) for “Crackhead II” as a separate entry in the “Works infringed” section. You should not include the “Crackhead II: Laci’s Revenge” supplemental document unless you are alleging infringement of that work, or unless the amended claim otherwise explains how it is relevant to your claim.

### **Allegedly Infringed Work – Ownership**

You state that the author of the allegedly infringed work is Lisa Lennox. The author of a work would ordinarily be its initial copyright owner. Certificate of Registration No. TX0006166242 lists Triple Crown Publications as the copyright owner (“Copyright Claimant”). The claim does not present clear facts that indicate how Triple Crown Publications, rather than Lisa Lennox, is a proper claimant to bring this infringement claim. If you submit an amended claim, it must clarify the discrepancy.

To bring a copyright infringement claim before the Board, the claimant must be “the 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. If you file an amended claim, you should provide some specific details or supplemental documents explaining how Triple Crown Publications owns, or has an exclusive license to use, the exclusive rights at issue. More information about legal and beneficial ownership is available at page 4 of the [Starting an Infringement Claim](#) chapter of the CCB Handbook.

The claimant must also be a “real party in interest,” which is a person or entity with the right to bring the claim. 17 U.S.C. § 1501(1). The claim must include the claimant’s name. 37 C.F.R. § 222.2(c)(2). If you file an amended claim, it must include facts that clarify the legal name of Triple Crown Publications and its capacity to bring the claim. For example, the amended claim should state whether it is a corporation, a limited liability company, a partnership, an unincorporated association, or a fictitious name (i.e., a “dba”) under which a person or company is doing business. If it is a fictitious name, your amended claim must state that it is a fictitious name, and provide the actual name of the person or legal entity that does business under that name and has the legal capacity to file a claim of infringement of the allegedly infringed work(s).

### **Misrepresentation**

You are also bringing a claim of misrepresentation in connection with a takedown notice or a counter-notice under 17 U.S.C. § 512(f). That kind of misrepresentation has a very specific meaning under copyright law, which involves false statements made to an online service provider (OSP) related to a copyright-protected work posted online.

Your claim must make enough factual allegations to support each “element” of the claim. The elements of a misrepresentation claim are:

1. The respondent sent an OSP either
  - a. a takedown notice claiming online content or activity was infringing, or
  - b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the OSP's decision to take down or restore the content, and
5. You were harmed as a result of the OSP's decision.

17 U.S.C. § 512(f). The Board can only hear a claim of misrepresentation if the misrepresentation violates section 512(f). The types of false statements described in your claim are not section 512(f) violations.

You state that you sent takedown notices to Amazon and BN.com (the OSPs) on October 28, 2024, and that no one has sent a counter-notice. You filed this claim before the Board four days later, on November 1, 2024. You have not provided information about the respondent making a misrepresentation in a takedown notice or counter-notice to an OSP. Instead, your claim indicates that the respondent has not made that kind of misrepresentation.

If the respondent sent a counter-notice to an OSP, and it restored the allegedly infringing material by the time you filed this claim on November 1, 2024, your amended claim must state facts about that counter-notice and restoration. However, if the allegedly infringing material had not been restored in reliance on the respondent's counter-notice by that date, this misrepresentation claim cannot move forward, and you must omit the misrepresentation claim from any amended claim.

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.

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