



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0252

January 24, 2023

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## United States Copyright Claims Board

Catalina M Jaramillo

CLAIMANT

v.

YouTube

RESPONDENT

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### ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 23, 2023**. 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.

#### Copyright Infringement Claim – Online Service Provider

Your infringement claim asserts that the respondent is an “online service provider” (OSP); that you are bringing the claim against the respondent “due to their storage of or referral to infringing material posted by others”; and that it failed to expeditiously remove or disable access to infringing material after you sent the respondent a takedown notice as required by section 512 of the Copyright Act.

“Safe harbors” in section 512 shield certain online service providers from paying damages for copyright infringement claims if, among other things, the online service providers take steps to quickly remove or disable access to infringing material when a copyright owner notifies them about the infringement through a proper takedown notice. To avoid liability, online service providers must follow procedures specified in section 512 when they receive takedown notices alleging infringement, and counter-notices seeking the re-posting of the allegedly infringing material. An infringement claim against an online service provider that is eligible for a section 512 safe harbor must state facts that indicate that the respondent did not follow those procedures.

Your infringement claim does not provide enough information about the respondent's activities to hold it liable in light of the safe harbor provisions. Specifically, you do not provide information supporting the allegation that the respondent failed to expeditiously remove or disable access to infringing material. Your claim states that "the infringement of YouTube is confirmed by the partial removal of infringing materials leaving the part of it publicly available." However, supplementary documents attached to your claim include counter-notices that were sent to YouTube in response to your notices. In order to remain within the safe harbor, OSPs are legally required to repost material when a valid counter-notice is received, unless the copyright owner provides evidence that a legal action has been filed. Such reinstatement cannot provide the sole basis for your infringement claim since an OSP that complies with a counter-notice is protected by the safe harbor.

If, however, there are infringing materials that YouTube did not timely remove in response to the takedown before receiving counter-notices, you may amend your claim to provide additional detail. You should provide information about the demands to take down material, confirm that YouTube did not remove them, and provide any dates that are available. You should also explain what you mean by "partial removal," describing the infringing material that was subject to the original demand, as well as what was removed and what was not removed.

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 supplementary 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.

Copyright Claims Attorney