COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0643
October 15, 2026

Manuela Mendoza
CLAIMANT

V.

Maria Lucia Peluffo Paniz
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 **November 16, 2026**. 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.

Allegedly Infringed Work

You are alleging infringement of a work titled "Cigar Bar Silver Wedding Tray Sign Design and Photography." In the "Describe the work" section of your claim, you describe the work as "Original graphic design artwork." However, in describing the similarities between your work and the allegedly infringing work, you also refer to "original graphic artwork and product photography" and "original photographic presentation."

The pending copyright registration application, Service Request No. 1-15277354401, claims authorship in "photograph, 2-D artwork." However, the deposit submitted with the application appears to contain only two-dimensional graphic artwork, with no photographic authorship apparent. It is therefore unclear whether you are alleging infringement of the graphic artwork, the product photographs, or both.

If you file an amended claim, you must clarify which work or works you allege were infringed. Your infringement allegations must concern authorship covered by the copyright registration or pending application identified in your claim. If you are also alleging infringement of product photographs that are not included in that application, you must identify the applicable registration or pending application for those photographs.

Substantial Similarity

You allege that the respondent reproduced or adapted your original "Cigar Bar" artwork and publicly displayed the resulting work in an Etsy listing. Your claim does not include enough facts to indicate how the respondent's allegedly infringing work is substantially similar to original, expressive elements that copyright protects in your graphic artwork. An allegedly infringing work must be substantially similar to copyright-protected elements in the allegedly infringed work. If it is not readily apparent from supplemental documents that are submitted with the claim, you must provide some specific allegations about how the respondent's work is similar to expressive material in your work that copyright protects.

Copyright protection extends only to copyrightable subject matter, and copyright law protects only the components of a work that are original to the author. Copyright does not protect ideas or concepts, such as the general idea of a "Cigar Bar" sign, but may protect the original artistic expression used to create the design. See Compendium of U.S. Copyright Office Practices, Third Edition, Sections 313.3(A) and 313.3(E).

The supplemental documents show that both products feature silver trays displaying "Cigar Bar" designs with decorative elements and cigar illustrations. Although the products have certain features in common, the claim does not sufficiently explain how the respondent's graphic design copies original, copyright-protected expression from your artwork, rather than the general concept of a cigar bar sign or common decorative elements. Thus, you have not clearly identified copyright-protected elements of your work that appear in the allegedly infringing work.

To address this issue, if you file an amended claim, you must include more information about how creative elements of your work and of the allegedly infringing work are substantially similar, or supplemental documents that clearly show the similarities. Your amended claim should identify the particular expressive elements of your graphic artwork that you believe the respondent copied and explain how those elements appear in the respondent's design.

Improper Relief

Your claim must include a statement that describes harm that you suffered "as a result of the alleged activity" and the relief you are seeking. 37 C.F.R. § 222.2(c)(10). The Board is authorized to grant only certain kinds of relief. In the "Describe how you were harmed as well as your request for monetary relief" section of your claim, you state: "The respondent's unauthorized use of my original artwork directly interferes with my business sales on Etsy, creates market confusion, and dilutes my brand identity. I am requesting statutory damages within the Smaller Claims limit for this willful infringement."

You include allegations of certain forms of harm that are not a basis for relief in a Board proceeding. In particular, you refer to "market confusion" and dilution of your "brand identity." Market confusion and brand dilution are concepts generally associated with trademark law, which is outside the Board's jurisdiction. The Board may award damages resulting from copyright infringement but cannot award damages for trademark infringement. Therefore, if you file an amended claim, you must clarify that your request for relief is based on copyright infringement rather than trademark-related harms.

In addition, you refer to "willful infringement" in your request for statutory damages. The Board cannot enhance damages awards based on willfulness and cannot consider willfulness when determining the amount of statutory damages to award. 17 U.S.C. § 1504(e)(1)(A)(ii)(III). Therefore, a request for statutory damages based on "willful infringement" is improper.

If you submit an amended claim, you should revise your request for relief to omit any request for damages based on willfulness or trademark-related harms, so that it seeks only relief the Board is authorized to award. More information is available in the **Damages** chapter of the CCB Handbook.

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 provide only 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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