COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0643
October 22, 2026

Manuela Mendoza
CLAIMANT

V.

Maria Lucia Peluffo Paniz
RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. 37 C.F.R. § 224.1(c)(2). If you wish to proceed with this claim, you must file a second amended claim by **November 23, 2026**. If you do not file a second amended claim that resolves the issues identified below, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. There is no additional filing fee for an amended claim.

You may also choose to correct or edit any errors or other information in your amended 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. If your second amended claim is found compliant, you will be notified and directed to proceed with service.

Allegedly Infringed Works

In its October 15, 2026, Order to Amend Noncompliant Claim (Order), the Board explained that it was unclear whether you were alleging infringement of your graphic artwork, your product photographs, or both. The Board also explained that your infringement allegations must concern authorship covered by the registration or pending application identified in your claim.

Your amended claim now identifies two separate works: "Cigar Bar Silver Wedding Tray Sign Design and Photography," for which you provide Service Request No. 1-15277354401, and "Cigar Bar Silver Wedding Tray Original Product Photograph," for which you provide Service Request No. 1-15285041211. You allege that the respondent copied elements of both works, including potentially using your original photograph as source material to create a modified promotional image.

However, the application to register the product photograph, Service Request No. 1-15285041211, was submitted on October 19, 2026, after you filed this claim before the Board. The Board can hear a copyright infringement claim only if, before the claim was filed, the Copyright Office issued a registration certificate for the allegedly infringed work or the legal or beneficial owner submitted a completed application, deposit, and fee to register the work, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a). Because the

application for the product photograph was submitted after this proceeding began, you cannot pursue infringement of that photograph in this claim.

If you file a second amended claim, you must remove the product photograph as a separately allegedly infringed work and limit your infringement allegations to the graphic artwork covered by Service Request No. 1-15277354401. You may file a new claim concerning the product photograph if you have satisfied the applicable registration requirements.

Substantial Similarity

You allege that the respondent reproduced or adapted your original "Cigar Bar" graphic artwork and displayed the resulting design in an Etsy listing. Your amended claim provides additional details about the similarities between the designs, but it still does not include enough facts to indicate how the respondent's design is substantially similar to original, expressive elements that copyright protects in your graphic artwork. As the Board explained in the Order, an allegedly infringing work must be substantially similar to copyright-protected elements in the allegedly infringed work.

Copyright protection extends only to copyrightable subject matter, and copyright law protects only the components of a work that are original to the author. Information about copyrightable authorship is available in Sections 302, 308, and 313 of Chapter 300 of the **Compendium of U.S. Copyright Office Practices**, Third Edition. Not all elements of a creative work are protected by copyright, and not all similarities are infringing. For instance, copyright law does not protect ideas or facts, though it can protect the specific ways that such things are expressed. See Compendium Section 313.3(A). It also does not protect formats and layouts. See Compendium Section 313.3(E). Copyright can protect only the particular way such things are expressed, provided they contain a sufficient amount of original authorship.

In the "Describe the work" section of your amended claim, you describe your graphic artwork as featuring ornamental flourishes, a two-line decorative "Cigar Bar" heading, the wording "PLEASE ENJOY A CIGAR," a cigar illustration with rising smoke, and a lower ornamental flourish. You allege that the respondent's design contains similar elements arranged in a corresponding sequence and with similar positioning and proportions. Although the designs share these general features, the lettering, decorative flourishes, and cigar illustrations differ in their specific artistic expression. The remaining similarities concern short phrases, commonplace decorative elements, and their general arrangement, rather than substantially similar original artistic expression. Copyright law does not protect the general concept of a decorative "Cigar Bar" sign. Thus, you have not clearly identified copyright-protected elements of your graphic artwork that appear in the respondent's design.

To address this issue, if you file a second amended claim, you must provide more information about how the original, copyright-protected elements of your graphic artwork and the respondent's allegedly infringing design are substantially similar, or supplemental documents that clearly show those similarities. Your second amended claim should specifically identify the expressive elements you believe the respondent copied and explain how those elements appear in the respondent's design.

Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the Order. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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. All supplemental documents must be clearly identified and labeled.
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 CCB staff is reviewing it for compliance.
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.

Copyright Claims Board