COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0658
October 23, 2026

Michelle Shocked	*v.*	Internet Archive
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 **November 23, 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 Infringing Activity

You are raising a claim of copyright infringement against respondent Internet Archive. You allege infringement of sound recordings on an album titled "Short Sharp Shocked." Your claim does not present facts that clearly indicate how Internet Archive used your exclusive rights without permission in the allegedly infringed work within the three-year statute of limitations period.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly perform the work, and to make a "derivative work," which is a work based on the original work. Someone who does one of those activities without the copyright owner's permission may be infringing the copyright, unless they have a legitimate defense. More information about exclusive rights is available on page 3 of the **Starting an Infringement Claim** chapter of the CCB Handbook.

You allege that your "[c]orrespondence with Internet Archive[] sending DMCA notices about this work goes back over a decade." You alleged infringement of the same sound recording on Internet Archive's website in your **second amended claim** in a previous Board proceeding, *Shocked v. Strauss*, Claim No. 22-CCB-0271, which you filed on August 21, 2023. It is apparent that you have known of the allegedly infringing use since at least that date.

Your claim cannot proceed based on any alleged infringing activities that you knew about or should have known about more than three years ago. A "statute of limitations" is a time limit set by law for starting a claim before the Board. The statute of limitations period for copyright claims, both in federal court and the Board, is three years after the claim "accrues." 17 U.S.C. §§ 507(b) & 1504(b)(1). A claim for copyright infringement accrues when the infringing act occurs, or when the claimant discovers, or reasonably should have discovered, the infringement.

It appears that some, and perhaps all, of the allegedly infringing acts fall outside the statute of limitations period. You filed this claim on October 16, 2026. The Board cannot hear your claim if you knew, or reasonably should have known, about the alleged infringement before October 16, 2023. Your allegation that Internet Archive "ignored recent compliant DMCA notifications regarding this allegedly infringing activity" does not, by itself, indicate that this claim concerns any infringing act within the statute of limitations period. If you have known (or reasonably should have known) of an allegedly infringing act by Internet Archive for more than three years, sending a new takedown notice would not make an infringement claim timely. An allegedly infringing work published online does not trigger a separately accruing harm merely by remaining present on the Internet. A claim against Internet Archive for infringement of "Short Sharp Shocked" would have to be based on infringing acts that happened, or that you reasonably first learned about, in the three years before you filed this claim.

To address this issue in an amended claim, you will need to describe new infringing acts that fall within the three-year statute of limitations period. Any use that falls outside the statute of limitations period cannot be the basis of this claim. If the allegedly infringing use of the work at issue falls entirely outside of the statute of limitations period completely, you should not file an 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**. 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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