COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0665
October 29, 2026

Aaron Williams	*v.*	Meta Platforms, Inc. c/o Corporation Service Company (CSC)
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 30, 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 have brought a copyright infringement claim before the Board. Copyright infringement occurs when a copyrighted work is reproduced, distributed, publicly performed or displayed, or made into a derivative work without the permission of the copyright owner, if the use does not qualify for an exception, such as fair use. Fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances.

You allege infringement of a photographic work titled "Aaron Self Cowboy Hat Blue Sportcoat," which you describe as a "color photographic portrait of myself wearing a blue sportcoat and a cowboy hat, captured indoors." You further allege that the photograph was accessed from your dating profile and posted on Facebook without your permission by an anonymous member of the Facebook group "Are We Dating The Same Guy| Dallas/Fort Worth/DFW."

A **screenshot** filed with the claim shows the allegedly infringing use, in which the anonymous poster used the photograph to solicit information about you from other users, asking: "Any tea on Aaron 44 from Aledo? Pic in comments when approved." You state: "unauthorized distribution and public display of my proprietary photograph

has caused severe, ongoing personal, social, and professional harm. Because this image was weaponized inside a regional group with over 300,000 local members, its unauthorized exposure has subjected me to persistent social isolation, public mockery, and community avoidance."

Your allegations, and the facts presented in the claim and supporting documents, indicate that the use at issue does not constitute copyright infringement. A Copyright Claims Officer has reviewed your claim and determined that fair use by the poster of the photograph is clear on its face, and, therefore, your claim cannot move forward.

Four non-exclusive factors are considered when analyzing fair use: (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and, (4) the effect of the use upon the potential market for or value of the copyrighted work. 17 U.S.C. § 107; *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*, 598 U.S. 508, 527 (2023).

The first factor, the purpose, "asks 'whether *and to what extent*' the use at issue has a purpose or character different from the original. . . . The larger the difference, the more likely the first factor weighs in favor of fair use." *Id.* at 529 (*quoting Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 579 (1994)). "A use that has a further purpose or different character is said to be 'transformative.'" *Id.* at 528 (*quoting Campbell*, 510 U.S. at 579). It appears that you use the photograph as your profile on dating apps, where its presumptive purpose is to present you in a positive light. And, in general, a photograph taken by you is meant to show your creative expression. Its use on Facebook had a drastically distinct and completely transformative purpose, one of the touchstones of fair use—and a use far from that of duplicating any creative expression in the photograph—as it sought to identify you and get other perspectives and information about you, including information that may have been highly critical of you. Under copyright law, the allegedly infringing use is a highly transformative use that greatly supports a finding of fair use.

The second and third fair use factors concern the nature of the work and the extent of its use. Photographs are creative works, and a comparison of the "Aaron Self Cowboy Hat Blue Sportcoat" image and the deposit copy you submitted to the Copyright Office for registration shows that the entire work was posted on Facebook. However, using an entire work can still qualify as fair use, especially when the use is transformative. The work was used not for its creativity but because it identifies you, and no more was used than was necessary for its purpose. These two factors have negligible effect on the fair use analysis in this case.

The fourth factor is the effect of the use on the photograph's potential market or value. Because the use is plainly transformative, market harm cannot be presumed or readily inferred. *See Campbell*, 510 U.S. at 591. Nothing in the claim suggests that your photograph has been licensed or has any potential licensing market, and it does not appear that any use of this type could diminish your ability to market the photograph or any derivative works. This factor also favors finding fair use.

Considered together, but especially considering that the use of your work made on Facebook is clearly transformative and not used to merely duplicate the creative expression in your photograph, the fair use factors

support a finding of fair use based on the facts presented, and "the fair use of a copyrighted work . . . is not an infringement of copyright." 17 U.S.C. § 107. If you file an amended claim, you must describe some allegedly infringing use of your work by the respondent other than what appears in the "Aaron Self Cowboy Hat Blue Sportcoat" image, or present additional facts about that use that would alter the fair use analysis. However, you should not file an amended claim if you are unable to do this. **If you do choose to amend your claim, there are two additional issues below that you must fix.**

Proper Respondent — Online Service Provider

Your infringement claim asserts that the respondent, Facebook, is an online service provider ("OSP"); that you are bringing the claim against the respondent "due to their storage of or referral or linking 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. However, your claim does not state facts in support of these assertions. The allegations in your claim describe infringing activity by a third party, not listed as respondents to the claim, who used Facebook to post the photograph. In your claim, you state that "[t]he respondent uploaded an unauthorized copy of my proprietary photographic portrait directly into a comment thread." Additionally, the screenshot you uploaded appears to show that an "Anonymous member" posted the work to the Facebook group. You do not refer to any actual takedown notice sent to Facebook that it failed to expeditiously act upon.

Special rules apply to infringement claims brought against online service providers if your claim is not because they infringed your work directly, but because they stored, referred to, or linked to infringing material posted by others. In many cases, online service providers are not liable for such claims because of protections in section 512 of the Copyright Act. You do not provide information supporting your allegations that you sent a takedown notice to Facebook, and that it failed to expeditiously remove or disable access to infringing material upon receiving notice of infringement. Without more specifics, your allegations do not provide sufficient details for the respondent to understand what its allegedly infringing acts were.

If you choose to amend your claim, your infringement claim cannot proceed unless you file an amended claim that either (1) removes the allegations that Facebook is an OSP to whom you sent a section 512 takedown notice, or (2) states facts supporting allegations that would make the respondent liable as an OSP, despite the Section 512 safe harbor. Please visit the section 512 page and the discussion at pages 18-19 of the chapter on **Starting an Infringement Claim** in the CCB Handbook for additional information about what is required for an infringement claim against an OSP protected by a section 512 safe harbor.

If you do not know the Anonymous member's correct name or address, a subpoena under 17 U.S.C. § 512(h) may help you obtain that information from an OSP in a case of online infringement. A subpoena is a court-issued document that orders someone to provide information, documents, or testimony. A "section 512(h) subpoena" has a special purpose because it is issued to an OSP that may have information to help identify and locate an alleged online infringer. In this context, an OSP is an entity (such as a website hosting service, a content sharing website, or

an internet search engine) that provides online services to store and make the allegedly infringing material available, or refers, links, or provides access to that material. Upon a request from a copyright owner, the clerk of any U.S. district court must promptly issue a subpoena directing an OSP to disclose "information sufficient to identify the alleged infringer." 17 U.S.C. § 512(h)(3)-(4). If you identify an OSP (such as Facebook) that may have information about the respondent, you may contact the Board for step-by-step instructions to request a section 512(h) subpoena. Note that seeking the poster's identity pursuant to a subpoena will not extend your time to file an amended claim.

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: "Because the infringement is ongoing and willful, I am requesting the maximum statutory damages permitted under the CCB Smaller Claims Procedure of $5,000, along with the immediate removal of the infringing material."

The Board cannot award an injunction or other forms of "injunctive relief." Unlike a federal court, the Board cannot order a respondent to stop or modify activities (sometimes called an "injunction") unless the respondent notifies the Board that, if found liable for infringement, it will stop or modify the activity. 17 U.S.C. § 1504(e)(2). Respondents may decide to agree to stop or modify their infringing activity because, if they are found liable, the Board may consider that agreement when it decides how much to award as damages. While you may state in your claim that you would like the respondent to agree to stop or modify its activities, you may not request that the Board award injunctive relief as part of your claim.

Additionally, 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 the fact that the alleged infringement is "ongoing and willful" is improper.

If you submit an amended claim, you should omit your request for injunctive relief and relief based on the respondent's "willfulness" and revise your request 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.

Copyright Claims Board