COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0705
November 19, 2026

Rocio Delgado
CLAIMANT

V.

Cynthia G Berrios-Calladine
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 **December 21, 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 Activities

You have brought a copyright infringement claim against Cynthia G. Berrios-Calladine involving your artwork titled "Corazon Boricua." You allege that the respondent created a "vector tracing" of your painting and reproduced, displayed, and distributed the artwork without your permission. However, your claim does not provide enough information about your relationship with the respondent or any agreement or understanding related to the use of the artwork.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly display 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.

Copyright Office records concerning Registration No. VA 2-486-114 indicate that the respondent submitted the registration application for "Corazon Boricua." During correspondence with the Copyright Office, the respondent stated that you and the respondent were co-owners of Un Rocio LLC, the business entity through which the

artwork at issue here was commercially managed. The respondent also clarified that you were the sole author and copyright owner of the registered artwork.

Your claim does not explain the nature of your relationship with the respondent and Un Rocio LLC or whether you and the respondent had any agreement or understanding concerning the use of "Corazon Boricua."

To address this issue, you must submit an amended claim that includes detailed information about the nature of the relationship between you and the respondent, including detailed information about any agreement or understanding you had related to the allegedly infringed work. An agreement does not need to be formal in a written contract. There may be a verbal agreement, or even an implied agreement or an implied license based on the conduct of the parties.

If you had an agreement with the respondent, then your claim could also proceed if you present facts in an amended claim that indicate the respondent used your work beyond what was permitted in the agreement. If the respondent engaged in uses of the allegedly infringed work that went beyond the scope of the uses permitted under the agreement, you should explain how the limitations on respondent's use were communicated to respondent at the time your work was given to respondent and describe respondent's use and how it went beyond the scope of your agreement in your amended claim.

You also allege that the respondent created a "vector tracing" of your painting that "tracks the original point by point," reproducing the same composition, figures, shapes, colors, and arrangement. However, your claim does not clearly explain the facts supporting your allegation that the respondent traced your painting.

If you file an amended claim, please provide additional facts explaining how you determined that the respondent traced your painting. You should identify the particular creative elements of your artwork that you believe were copied and explain how those elements are similar to the respondent's work. You may also submit supplemental documents containing copies of your artwork and the allegedly infringing work to illustrate the alleged similarities. Any supplemental documents should be clearly labeled and identified in a manner that explains their relevance to your claim so that the Board can readily determine what each document is intended to show.

Hyperlinks

Your claim includes several links to Instagram posts that you identify as examples of the alleged infringement. However, the Board was unable to access the content through those links.

If you file an amended claim, you should submit screenshots or other copies of the allegedly infringing material. Please do not provide the information through hyperlinks. Material available through hyperlinks may change or become unavailable. Thus, when making a final determination the Board cannot rely on material that is referred to only through a hyperlink and is not uploaded to the claim.

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 request $15,000 in statutory damages for the infringement of "Corazon Boricua." You also request that the respondent stop using, reproducing, displaying, and distributing your artwork and stop selling products bearing it. The most that respondents can be ordered to pay in damages (actual or statutory) in a Board proceeding is $30,000. 17 U.S.C. § 1504(e)(1)(D). However, the maximum amount of statutory damages available from the Board is $15,000 for each work that was infringed if the work was timely registered, and $7,500 per work that was not timely registered. 17 U.S.C. § 1504(e)(1)(A)(ii)(I)-(II). Typically, a work is not timely registered if it was (1) unpublished and the copyright was registered after the infringement started, or (2) published and the copyright was registered after the infringement started and more than three months after the publication of the work. 17 U.S.C. § 412.

Your claim indicates that "Corazon Boricua" was first published on July 13, 2025, and that the alleged infringement began in July 2025. Copyright Office records show that the work has an effective date of registration of November 4, 2025, more than three months after publication and after the alleged infringement began. Thus, it appears that the maximum amount of statutory damages available for the alleged infringement of this work is $7,500.

The Board also 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.

If you file an amended claim, you should revise your request for statutory damages by either removing the specific dollar amount or requesting no more than $7,500 for this work. You should also omit your request for injunctive relief and revise your request for relief 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