



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0061

Photolive, Inc. dba Stockyard Photos

CLAIMANT

v.

Massey Services, Rebecca Church

RESPONDENT

ORDER TO SHOW CAUSE

Claimant, Photolive, Inc. dba Stockyard Photos (Photolive) filed claim number 23-CCB-0061 with the Copyright Claims Board (Board) on February 11, 2023. The claim identifies Photolive as a business entity with its address in Rancho Mirage, California. As further explained below, business entities may be represented in Board proceedings by either a legal representative or an authorized owner, officer, partner, member, or employee of the business. The claim lists Michael T. David as the claimant's "authorized employee of the company" but it is not apparent that Mr. David is eligible to represent the claimant before the Board, and other information provided by Mr. David suggests he works for a debt collection consultancy and litigation support service, perhaps hired by claimant. The Board orders Mr. David to submit documentation that supports his authorization to appear in this proceeding, and to show cause why he should not be disqualified from appearing on Photolive's behalf.

A business entity may be represented in Board proceedings by a lawyer, law student, or in-house attorney. 37 C.F.R. § 232.6(b)(1)-(2). Any legal counsel must be a member in good standing of the bar of the highest court of a State, the District of Columbia, or any territory or commonwealth of the United States. 37 C.F.R. § 232.6 (b)(1). In eCCB, Mr. David did not register as an attorney, in-house attorney, or law student, which would have required him to affirm that he is eligible to represent business entities before the CCB. In another claim that Mr. David filed with the Board on behalf of Photolive on February 11, 2023 (*Photolive, Inc. dba Stockyard Photos v. Wes Supply LLC, et al*, No. 23-CCB-0058), Mr. David lists himself as Photolive's "authorized employee", while providing Allied National Inc. as the name of his "law firm, clinic, or pro bono legal services organization." However, it appears from Allied National's website that it operates as a debt collection consultancy and litigation support service, and does not hold itself out as a law firm, clinic, or pro bono legal services organization. Information about on that website's "About Us" page about Mr. David does not hold him out as a lawyer. Mr. David's address is in Nebraska, and his name does not appear on the Nebraska state bar's online list of attorneys. Accordingly, the Board has no information that supports his ability to provide legal representation to the claimant.

Business entities may also be represented before the Board by an owner, partner, officer, member, or authorized employee of the business or organization. 37 C.F.R. § 232.6(b)(3)-(4). While Mr. David checked the box to designate himself an "authorized employee" of Photolive, it appears that the claimant and Allied National are two separate business entities. Photolive is based in California while Mr. David and Allied National are located in Nebraska. Further evidence that Mr. David is not an owner, officer, partner, or member of Photolive is the fact that Allied National holds itself out to the general public as offering "debt collection," "nationwide judgment recovery," "litigation support services," and services related to "intellectual property infringement." Allied National's website states, "We Serve to Protect the Interest of Creators Nationwide and Worldwide." Those representations are consistent with a third-party litigation support business.

As such, the Board orders Mr. David to submit documentation within 14 days that either:

- (1) shows that he is an attorney and member in good standing of the bar of the highest court of a State, the District of Columbia, or any territory or commonwealth of the United States; or
- (2) certifies that, and explains how, he is an owner, partner, officer, member, or an authorized employee of Photolive.

If he does not submit the required documentation to the Board within 14 days, then Photolive must designate a new authorized representative who meets the requirements in the regulations detailed above.

To submit the required documentation, log into your eCCB account and take the following steps:

1. From your Dashboard, you will see your claim(s) under “Ongoing copyright proceedings.”
2. To file a document, request, or response to a request in a proceeding, click “File in existing case” button and select the proceeding from the drop-down menu.
3. After selecting the correct proceeding, select “Other Submission” from the dropdown menu, enter a document title, and upload the requested documentation.

Date: March 17, 2023
Copyright Claims Board