



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0299
September 15, 2023

Dark Lab Records Ltd

CLAIMANT

v.

Michael Giles

RESPONDENT

ORDER TO SHOW CAUSE

On September 12, 2023, Lawrence Akash Gomes (Gomes) filed this claim before the Copyright Claims Board (Board) on behalf of Dark Lab Records Ltd (Claimant) alleging copyright infringement and misrepresentation under 17 U.S.C. § 512. The claim provides a clearly invalid mailing address that indicates that the respondent Michael Giles (Respondent) is not a United States resident. The Board orders Gomes and Claimant to explain why filing this claim does not constitute bad-faith conduct under [37 C.F.R. § 232.3](#).

The claim must include the respondent's mailing address. [37 C.F.R. § 222.2\(c\)\(6\)](#). Claims "asserted against a person or entity residing outside the United States" are categorically "not subject to determination by the Copyright Claims Board." [17 U.S.C. § 1504\(d\)\(4\)](#). The eCCB online filing system specifically informs filers of this prohibition on several screens, and eCCB requires a United States address for respondents, including a United States state or district and zip code. Before submitting the claim, filers are asked to certify under penalty of perjury that the information provided in the claim is accurate and truthful to the best of their knowledge, and (if applicable) that they have confirmed its accuracy with the claimant. See [37 C.F.R. § 222.2\(c\)\(12\)](#).

It appears that Respondent is a foreign resident. The mailing address provided for Respondent in the claim is "4/16 Wookey Lane, 0810 Auckland New Zealand, Kumeu, TN 68001." Kumeu and Auckland are in New Zealand. The address provided also includes facially invalid information. Gomes selected the state code for Tennessee ("TN") from the drop-down menu in the claim form, and entered 68001 as Respondent's zip code. However, addresses with a 68001 zip code are located in Nebraska, while Tennessee zip codes begin with a 3. It appears that when filing the claim, despite the warnings that claims against foreign respondents are prohibited, Gomes and Claimant sought to get around the prohibition by falsely entering the state code for Tennessee and a Nebraska zip code in the claim form so that eCCB would allow the filing to continue.

Therefore, the Board orders Gomes and Claimant to file a response to this order, jointly or separately, by **September 29, 2023**. The response(s) shall explain why filing this claim with the address information provided for Respondent does not constitute bad-faith conduct as defined in the Board's regulations. "Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact. Such conduct includes any actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board, including before a proceeding becomes

an active proceeding.” [37 C.F.R. § 220.1\(c\)](#). The response(s) should be filed on eCCB and may not exceed 10,000 characters in length, not including any relevant documents filed as attachments in support of the response(s). [37 C.F.R. § 220.5\(a\)\(2\)\(xii\)](#).

To submit the response(s), log into your eCCB account and take the following steps:

1. From your dashboard, you will see your claim under “Ongoing copyright proceedings.”
2. Click the “File in existing case” button and select this proceeding from the drop-down menu of active proceedings.
3. After selecting the correct proceeding, select “Response to Order to Show Cause” from the dropdown menu. You may type your response in the text box.
4. You may also upload, as an attachment, any additional documentation you would like the Board to consider with your response.

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 only provide legal information and assistance concerning Board procedures and requirements.

Copyright Claims Board