



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0277  
September 15, 2023

Camila Turati

CLAIMANT

v.

Mariana McLennan

RESPONDENT

## ORDER TO SHOW CAUSE

On August 31, 2023, Camila Turati (Claimant) filed this claim before the Copyright Claims Board (Board), alleging misrepresentation under 17 U.S.C. § 512. The claim provides a clearly invalid mailing address for the respondent Mariana McLennan (Respondent), as Claimant submitted Etsy’s address instead. The Board orders 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\(c\)\(6\)](#). In addition, 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\(c\)\(12\)](#).

Claimant alleges that “ACMEVIntageChinaETSY” is Respondent’s alias, that she is using Claimant’s photographs in her Etsy shop, and that when Claimant submitted a takedown notice to Etsy, Respondent submitted a counternotice to Etsy, misrepresenting that the photographs are her own. However, it appears that Respondent is a foreign resident. The [AcmeVintageChina](#) page on Etsy prominently identifies Respondent’s business as located in Canada. In a “Shop Members” section on that Etsy page, Respondent provides this owner description: “AcmeVintageChina Collection Right Here in the Heart of Oakville, ON, Canada.” A “Frequently asked questions” section adds that “[s]hipping is via Canada Post.”

Rather than provide Respondent’s mailing address, the “Respondent” section of the claim lists 117 Adams Street, Brooklyn, NY 11201, which is the address of Etsy’s New York office. It is not plausible that Claimant does not know Respondent’s address. The claim alleges that in late August 2023, Claimant submitted a takedown notice to Etsy and Respondent submitted a counternotice to Etsy. Those allegations are consistent with Etsy’s latest [Intellectual Property Policy](#), which took effect on July 24, 2023, and which states: “When Etsy receives a DMCA counter notice, we will provide a copy of the counter notice to the original complaining party.” Under 17 U.S.C. § 512(g)(3)(D), a valid counternotice includes the “name, address, and telephone number” of the party submitting it, and Etsy’s [DMCA Notice Requirements](#) page, last updated on June 16, 2023, states that it requires that

counternotices include that party's "name, address, telephone number, and email address." The claim quotes from the counternotice, so Etsy must have provided it to Claimant. Because it appears that Respondent's address is in Canada, and that Etsy gave Claimant a counternotice that included Respondent's address in late August 2023, Claimant must have known that foreign address when filing this claim on August 31, 2023.

It appears that when filing the claim, despite the warnings that claims against foreign respondents are prohibited, Claimant sought to get around the prohibition by falsely entering Etsy's New York office address in the claim form instead of Respondent's Canada address so that eCCB would allow the filing to continue.

Therefore, the Board orders Claimant to file a response to this order by **September 29, 2023**. The response 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 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. [37 C.F.R. § 220.5\(a\)\(2\)\(xii\)](#).

To submit the response, 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](mailto: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