



COPYRIGHT CLAIMS BOARD

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

Camila Turati

CLAIMANT

v.

Mariana McLennan

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **October 16, 2023**. 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.

Foreign Respondent

The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). The claim must include the respondent's address. 37 C.F.R. § 222.2(c)(6). Your allegations indicate that you have not complied with these requirements.

Your claim alleges that the respondent made a material misrepresentation to Etsy under 17 U.S.C. § 512(f). You allege that you sent a takedown notice to Etsy, seeking the removal of a photograph from the respondent's Etsy shop, and that the respondent sent Etsy a counternotice falsely claiming that she owns the photograph. Your claim quotes from her counternotice as forwarded by Etsy. Filings in other Board proceedings, in which the claimants also alleged misrepresentations to Etsy, indicate that when Etsy forwards a counter-notice to a user who sent a takedown notice, it typically includes both its own address and the counter-notifier's address.

In the "Respondent" section of your claim, you list 117 Adams Street, Brooklyn, NY 11201 as the respondent's mailing address. Records from other Board proceedings show that is an address for Etsy, not a valid address for the respondent. One cannot circumvent the requirement to provide a valid address for the respondent in the claim form by simply supplying a non-party's address instead. Moreover, as is set forth in the Order to Show Cause

issued today, it appears that the respondent is not located in the United States. The Board may not hear claims against anyone who is not a United States resident.

Because the respondent appears to be a foreign resident for whom you have not provided a valid address, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim with a valid address for a respondent who is a United States resident, the Board will engage in a full compliance review, so you should review the [CCB Handbook](#) and make sure the rest of your amended claim is compliant. You should only amend your claim if you are raising it against an individual or entity residing in the United States for whom you can provide a valid mailing address.

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 only provide 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.