



# COPYRIGHT CLAIMS BOARD

DOCKET NO. [REDACTED]  
OPT OUT KEY CODE. [REDACTED]

## NOTICE

# United States Copyright Claims Board

[REDACTED] CLAIMANT v. [REDACTED] RESPONDENT

### NOTICE OF OFFICIAL GOVERNMENT LEGAL PROCEEDING PLEASE READ CAREFULLY

TO (Respondent's name and address) ▼

[REDACTED]

FROM (Claimant's name and mailing address. If claimant is not represented by legal counsel or an authorized representative, the claimant's email address and telephone number should also be included) ▼

[REDACTED]

This is a notice of an official government legal proceeding that has been filed against you. It may affect your legal rights. Please read it carefully.

[REDACTED] initiated the above legal proceeding before the Copyright Claims Board (CCB) of the U.S. Copyright Office for the following claim(s):

- ☒ an allegation of copyright infringement
- ☐ a claim seeking a declaration that specific activities of the claimant do not infringe a copyright
- ☐ an allegation that a misrepresentation was made in notices or counter-notices sent under the Digital Millennium Copyright Act (DMCA)

A copy of the claim is included, and you can also access the claim and other information relating to the proceeding in the docket, which may be found in the CCB's electronic filing and case management system (eCCB) here: [dockets.ccb.gov](https://dockets.ccb.gov). To find the docket in your case, click on "Search cases." Then, in the search box at the top of the webpage, type in the docket number shown at the top of this notice and click on "Search." Click on "View" for a list of all the documents filed in the case.

If the claims are for copyright infringement or a misrepresentation made in a DMCA notice or counter-notice, and you are found liable for such allegations, a monetary award not to exceed \$30,000 to compensate the Claimant(s) may be made against you.

NOTE: Claims seeking a declaration that specific activities of the claimant do not infringe a copyright do not have a monetary value attached to those claims only.

*What You Need to Do: The claimant has decided to bring this claim before the Copyright Claims Board instead of federal court. Participation before the Copyright Claims Board is voluntary, meaning that you can opt out and the claimant can then sue you in federal court. If you do not want to participate in the Copyright Claims Board proceeding, you must affirmatively opt out within 60 days of receiving this notice. If you do not opt out, the claims will remain with the Copyright Claims Board, you will be given an opportunity to defend yourself against the claims, and you will be bound by the determination of the Copyright Claims Board. If you do opt out, the proceeding will end, but the claimant may then still sue you in federal court.*

NOTE THAT IF CLAIMANT IS REPRESENTED BY LEGAL COUNSEL OR AN AUTHORIZED REPRESENTATIVE, THE CLAIMANT IS REPRESENTED BY (Name, mailing address, email address, and telephone number of claimant's legal counsel or authorized representative) ▼

[REDACTED]

MORE ON BACK

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## ABOUT THE COPYRIGHT CLAIMS BOARD

The Copyright Claims Board (CCB) is a three-member tribunal located in the U.S. Copyright Office, which serves as a voluntary alternative to federal court for the resolution of certain copyright disputes that involve damages of no more than \$30,000. If you do not wish to have the CCB decide the dispute, you **MUST OPT OUT OF THE PROCEEDING**, as described further below. More information about CCB proceedings may be found on the CCB website at [ccb.gov](http://ccb.gov).

## NATURE OF A CCB PROCEEDING

This proceeding is voluntary, but you must make a choice within 60 days of receiving this notice. You have two options:

- (1) **Do nothing.** If you take no action, you will become a party to a proceeding before the CCB and, after the 60 day opt-out period expires, the CCB will issue an order triggering the next steps for the proceeding. Once that happens, your first steps will be to register as a user of the CCB's electronic filing and case management system (eCCB) and to file a response to the claim. You and the claimant(s) will then have the opportunity to share and present evidence relating to the claim, including any defenses you may have. By choosing this course, **you will be bound by the determination of the CCB.**
- (2) **Opt out.** You have the right to opt out of participating in the CCB proceeding. If you opt out, following the instructions in this notice, the proceeding will be dismissed and you will not need to appear before the CCB. However, the dismissal will be "without prejudice," which means that the claimant shall have to determine whether to file a lawsuit against you in Federal district court, which may include the same claims as well as claims other than copyright claims.

## HOW TO OPT OUT OF THIS PROCEEDING

You have 60 days from receipt of this Notice to opt out. If you are uncertain of the date on which you received this Notice, you may check the docket of the proceeding in eCCB at [dockets.ccb.gov](http://dockets.ccb.gov). The claimant is required to file a "proof of service" that identifies the date you were served no later than seven days after the day you received this Notice, and that proof of service will appear in the docket. This deadline to opt out cannot be extended except for exceptional circumstances. You may opt out either online or by mail. **Online:** Go to [dockets.ccb.gov](http://dockets.ccb.gov) and enter the case number information and code [REDACTED] as directed. **By mail:** Complete and sign the opt-out form included with this notice and put it in the mail before your 60 days expires. **It is strongly recommended that, if you do opt out, you do it online where you will receive an immediate email receipt confirming your opt out.** Please be sure to include the code on the opt-out form, whether submitting online or by mail.

## YOU MAY REPRESENT YOURSELF OR CONSULT AN ATTORNEY

CCB proceedings are designed so that individuals may represent themselves; however, you may wish to consult an attorney or a law school clinic or *pro bono* legal services organization before taking action. You may wish to be represented by an attorney or a law student qualified to practice before the CCB. The CCB has a list of *pro bono* resources that may be available to provide free or low-cost assistance. The list may be found at [ccb.gov/pro-bono-assistance](http://ccb.gov/pro-bono-assistance).

## THERE ARE PROS AND CONS TO APPEARING BEFORE THE CCB

The CCB is a voluntary alternative to federal copyright litigation. As a result, there are some pros and cons that you may want to weigh in arriving at your decision. The CCB is a simpler, streamlined, and typically far less costly procedure than federal litigation. Before the CCB, monetary damages are capped at no more than \$30,000, while in federal court, there is no such limit. However, by participating in a CCB proceeding, **you will not have the ability to have the dispute decided by a federal court (that is, courts created under Article III of the Constitution where cases are heard by federal district judges), and you will waive your right to a jury trial.** By participating in a CCB proceeding, **you will not have full access to the appellate process regarding the CCB proceeding or determination.** If you opt out of this proceeding, you will miss out on the benefits of CCB proceedings, but will preserve the right to have the dispute heard in a full federal litigation. For more information, see [ccb.gov/handbook/Opting-Out.pdf](http://ccb.gov/handbook/Opting-Out.pdf).

## THE CCB IS HERE TO HELP

The CCB website and the CCB Handbook (available on the CCB website) have resources to help you determine how to respond to this notice, including background information, procedures, and access to *pro bono* resources. If you have a specific question, please send it to [asktheboard@ccb.gov](mailto:asktheboard@ccb.gov).

## IF YOUR PROCEEDING GOES FORWARD, HERE'S WHAT HAPPENS NEXT

Sometime after the 60-day period after you were served with the claim, you will receive an order from the CCB requiring that you register as a user of the CCB's electronic filing and case management system. You will register for eCCB by going to the following website: [dockets.ccb.gov](http://dockets.ccb.gov). From that webpage, you will click on "or register for an account..." and follow the prompts to set up an account through [login.gov](http://login.gov). You will then follow the instructions to link your eCCB account to this proceeding, after which you will receive a schedule for the proceeding, providing the opportunity for you to respond to the claim and raise defenses, as well as file any allowable counterclaims if you wish. You will be able to receive from and give to the other side documents as well as answers to questions relevant to the claims and any counterclaims, and then present your evidence to the CCB. The CCB also offers the opportunity for settlement conferences. At the end of this process, the CCB will issue a determination that will bind both you and the claimant(s), with only limited opportunity for further review or appeal.

## NOTE REGARDING AMENDED CLAIM AND SUPPLEMENTAL DOCUMENTS

The claimant filed an amended claim on [REDACTED] which has been deemed compliant. The claimant did not file new supplemental documentation from its original claim filed on [REDACTED]. The claimant has confirmed that they intended each and every document filed with its original claim to be considered as part of their amended claim. It is hereby ordered that the supplemental documents filed with the original claim shall be deemed part of the amended claim and shall be served on the respondent(s) as part of the claim service packet.