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## What Claimants Need to Know About Serving Process on Respondents in Cases Brought Before the Copyright Claims Board (CCB)

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### WHO TO SERVE:

Who to serve is governed by CCB regulations. Relevant state rules should be disregarded. Each respondent to the proceeding must be served.

### WHAT TO SERVE:

What documents are served on a respondent is governed by CCB regulations. Relevant state rules should be disregarded. Once a claim is approved for service by the CCB, the claimant will receive a service packet that includes the documents that must be served on each respondent. The service packet includes:

1. The initial notice of the proceeding;
2. A copy of the approved claim, along with any supplemental documents submitted with the claim; and
3. An opt-out notification form.

### WHO CAN SERVE:

Who can serve notice on a respondent is governed by CCB regulations. Relevant state rules should be disregarded. Service must be completed by someone who is: (i) older than 18 years of age; (ii) not a party in the case; and (iii) not an attorney representing a party in the case. For this reason, it may make sense for a claimant to hire a process server to complete service on their behalf. If the claimant uses a process server, they should be familiar with the relevant state rules for service of process. The claimant should make sure the process server also knows the special CCB service rules and give them a copy of the service packet.

### HOW TO SERVE:

***If the respondent is a corporation, partnership, or unincorporated association that has [designated a service agent with the CCB](#), that service agent will be named in the designated service agent [directory](#), along with a mailing address. If the organization has a designated service agent, service *must* be directed to the person or entity specified in the directory. Generally, service *must* be directed to the mailing address listed in the directory via either certified or***

priority mail. However, service may, instead, be directed to the agent via email if an email address is listed in the directory and the entry indicates email as a method of service. When the respondent has [designated a service agent](#) with the CCB, relevant state rules should be disregarded.

***If the respondent is a corporation, partnership, or unincorporated association that has not designated a service agent with the CCB***, service can be completed by:

- I. complying with state rules for serving a summons on a corporation, partnership, or unincorporated association in the state where service is made (*more information about each state's rules for serving a summons can be found [here](#)*);

OR

- II. delivering a copy of the service packet to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process in the state where service is made. If the agent is one authorized by statute, the claimant may also need to mail the service packet to the respondent if the statute requires that.

***If the respondent is an individual, other than a minor or incompetent individual***, there are four ways service can be completed:

1. Complying with state rules for serving summons on an individual in the state where service is made (*more information about each state's rules for serving a summons can be found [here](#)*);
2. Delivering the service packet to the individual personally;
3. Leaving the service packet at the individual's home with someone of suitable age and discretion; or
4. Delivering the service packet to the respondent's designated agent<sup>1</sup> (or an agent authorized by law to receive service of process) *if they have one*.

***If the respondent is a minor or incompetent individual***, the respondent can only be served by complying with state rules for serving summons on a minor or incompetent individual in the state where service is made (*more information about each state's rules for serving a summons can be found [here](#)*).

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<sup>1</sup> This "designated agent" is different from and should not be confused with a "designated service agent" for the CCB for business entities described above. The CCB has a publicly available directory on its website of designated service agents for *business entities* but does not have a list of designated agents for individuals.

## **WHEN TO SERVE:**

When to serve a respondent is governed by CCB regulations. Relevant state rules should be disregarded. The CCB will notify the claimant when the claim has been approved for service and provide the claimant with the service packet which contains everything that needs to be served on the respondent. From there, the claimant must make sure that each respondent has been served and submit a proof of service form to the CCB once service is completed (this form is available through the eCCB—the CCB’s online filing and case management system). The proof of service form must be submitted within 7 days after service is completed, but no more than 90 days from the time the CCB notifies the claimant that the claim has been approved for service.

## **WHY TO CONSIDER HIRING A PROCESS SERVER:**

Because state rules and statutes for serving a summons can be confusing, a claimant may want to hire a professional process server in the state where service will take place to handle the process for them. If the claimant uses a process server, the claimant should make sure the process server knows the special CCB service rules and give them a copy of the service packet. Process servers should already be familiar with the relevant state rules for service of process, but it is important that they understand how the rules governing the CCB differ from the state rules.

For more information about CCB procedures for service of process, check out the Copyright Office's [CCB Handbook](#).