



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0119
June 12, 2023

Iosif Mermelshtayn

CLAIMANT

v.

300 Entertainment (Warner Music Group)

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on April 18, 2023 and May 10, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. The Board can only hear a copyright infringement claim if (1) before the claim was filed, the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and (2) the Copyright Office issued a registration certificate for the copyrighted work, or has not refused the application. 17 U.S.C. § 1505(a). The claimant filed this claim on March 28, 2023, citing the Service Request number of a pending application to register the allegedly infringed work. However, the application fee and deposit copy of the work were not delivered to the Copyright Office until June 3, 2023.

A Copyright Claims Attorney reviewed the second amended claim and determined that it cannot go forward because it was filed before the fee and deposit were submitted. The Copyright Claims Attorney referred this claim to me to confirm that the second amended claim does not comply with statutory requirements for a claim before the Board and that this proceeding should, therefore, be dismissed without prejudice. I have reviewed the second amended claim, and I concur with, and confirm, the finding of noncompliance.

Accordingly, the Copyright Claims Board dismisses this proceeding without prejudice and closes this case. Dismissal without prejudice means that the claimant may raise the allegations again by filing a new claim, supported by the now-completed application for registration that remains pending or by a valid copyright registration.

Copyright Claims Board