



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0085
September 29, 2023

Mary E Mangan

CLAIMANT

v.

Substack DMCA Processing

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office refused to register the allegedly infringed work.

The Copyright Claims Board (Board) can only hear a copyright infringement claim if the Copyright Office either issued a registration certificate for the allegedly infringed work, or has not refused the claimant's application to register the work. 17 U.S.C. § 1505(a)(2). The claimant filed this copyright infringement claim on February 23, 2023, citing the Service Request number of a pending Copyright Office application to register the work. On March 29, 2023, pursuant to 37 C.F.R. § 221.1(b), the Board placed the claim in abeyance pending the outcome of the application. On September 22, 2023, the Copyright Office examiner issued a letter refusing registration for the work "because it lacks the authorship necessary to support a copyright claim."

The Board must dismiss the proceeding without prejudice when it learns that the application to register an allegedly infringed work has been refused. 17 U.S.C. § 1505(b)(3) & 37 C.F.R. § 221.1(b). Therefore, 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 a new, pending application for registration or by a valid copyright registration.

Copyright Claims Board