



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0337  
December 20, 2023

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Jonathan D Smith-el

CLAIMANT

v.

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KOMU8 TV et al.

RESPONDENTS

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## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified Claimant on October 17, 2023 and November 17, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On December 18, 2023, Claimant filed a second amended claim, which was the final opportunity to file a compliant claim. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

A Copyright Claims Attorney reviewed the second amended claim and determined that the claim is still noncompliant because it does not provide facts about how respondents engaged in any activity infringing any of Claimant's works. The Copyright Claims Attorney referred the claim to a Copyright Claims Officer to confirm that it does not comply with the applicable requirements and that this proceeding should, therefore, be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B). The Copyright Claims Officer reviewed the second amended claim and concurs with the finding of noncompliance.

The second amended claim does not describe acts of copyright infringement. Claimant has not stated or shown how any respondent reproduced, distributed, adapted, displayed, or performed any of Claimant's works. The disparate allegations do not indicate that all claims "arise out of the same allegedly infringing activity or continuous course of infringing activities," as 17 U.S.C. § 1504(c)(6) requires; Claimant does not describe any infringing activity at all. Instead, Claimant raises many inflammatory assertions with no apparent relevance to a claim that could be presented to the Board. In addition, Claimant does not cite a copyright registration or a pending application for registration of one of the allegedly infringed works, titled "Welcome to the free city state of Jonathan D Smith-el"; the Copyright Office closed the application cited on October 20, 2022.

Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that any allegations that are not barred may be raised again by filing a new claim, if there is no agreement with a respondent to the contrary.

Copyright Claims Board