



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0351
December 11, 2024

Michael A. Barcohana

CLAIMANT

v.

Qiyu Dan

RESPONDENT

ORDER DISMISSING CLAIM AND FINDING ORDER TO SHOW CAUSE MOOT

On November 18, 2024, the Copyright Claims Board (Board) issued an Order to Amend Noncompliant Claim notifying the claimant that the claim did not comply with the requirements of the CASE Act and related regulations and would be dismissed unless an amended claim was filed by December 18, 2024. 37 C.F.R. § 224.1(c)(2).

On December 10, 2024, the claimant filed a request to dismiss the claim. Accordingly, the Board dismisses this proceeding without prejudice and closes case 24-CCB-0133. 37 C.F.R. § 222.17(b).

Dismissal without prejudice means that any allegations that are not barred may be raised again by filing a new claim, unless there is an agreement with the respondent to the contrary. However, as noted in the Order to Amend Noncompliant Claim, it appears that the respondent is located in China, not in the United States. The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). A claim against a foreign resident may be viable in federal court, but not before the Board.

The Board also issued an Order to Show Cause on November 18, 2024. Because the Board is dismissing the claim, the Board need not take any action on the Order to Show Cause because it is moot. The December 16, 2024 conference, which was scheduled to address the conduct described in the Order to Show Cause, is therefore cancelled.

Copyright Claims Board