



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0099
June 12, 2024

Ernest C. Curci

CLAIMANT

v.

Google LLC d/b/a YouTube and Audiam

RESPONDENTS

ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders that notified the claimant on April 2, 2024 and May 7, 2024 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On June 4, 2024, the 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 infringement claim is still noncompliant because it does not state facts that indicate that either respondent has violated any of the claimant's exclusive rights under 17 U.S.C. § 106. Allegations that Audiam issued a takedown notice to YouTube, and that YouTube removed the claimant's video and did not restore it after receiving a counter-notice, do not describe Audiam or YouTube committing copyright infringement. In addition, the second amended claim does not include Audiam's address as required. See 37 C.F.R. § 222.2(c)(6).

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.

Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that the allegations may be raised again by filing a new claim, if there is no agreement with the respondents to the contrary.

Copyright Claims Board