



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0159
July 17, 2023

Donna M. Conner

CLAIMANT

v.

Blurb.com

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office closed the application for copyright registration without issuing a registration for the allegedly infringed work.

The Copyright Claims Board (Board) can only hear a copyright infringement claim if the Copyright Office either (1) issued a registration certificate for the allegedly infringed work, or (2) 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 May 5, 2023, citing the Service Request number of a pending Copyright Office application to register the work. On June 2, 2023, a Copyright Office examiner emailed the claimant seeking additional information to support the application, and noted, "if we do not hear from you within 45 days, your case will be closed without further correspondence from us." The Copyright Office received no reply and closed the application on July 17, 2023.

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