



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0273

October 31, 2024

Villalobos O Body

CLAIMANT

v.

Danielle Robertson

RESPONDENT

ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders on September 18, 2024 and September 30, 2024 that notified the claimant that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On October 23, 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 each claim raised is still noncompliant. For the reasons set forth in more detail in the September 30, 2024 noncompliance order:

- the copyright infringement claim is not based on a completed application for copyright registration, and does not provide a basis to find that the respondent had access to the claimant's work or that the allegedly infringing work is substantially similar to expressive, protectible elements of the claimant's work;
- the claim for a declaration of noninfringement does not provide a basis to find an actual controversy between the parties over whether the claimant infringed the respondent's copyright; and
- the claim of misrepresentation under section 512 of the Copyright Act does not provide a basis to find that an online service provider relied on a misrepresentation by the respondent to restore allegedly infringing material.

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 this 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 respondent to the contrary.

Copyright Claims Board