



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0363

February 10, 2025

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Jonathan C. Turner

CLAIMANT

v.

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Jerry Franco

RESPONDENT

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## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office refused to register the allegedly infringed work.

The Copyright Claims Board (Board) can only hear a copyright infringement claim if the Copyright Office either issued a registration certificate for the allegedly infringed work or 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 November 23, 2024, citing Service Request number 1-14497450021 for a pending Copyright Office application to register the work as a pictorial, graphic, or sculptural work. On November 27, 2024, pursuant to 37 C.F.R. § 221.1(b), the Board placed the claim in abeyance pending the outcome of the application. On January 30, 2025, the Copyright Office issued a letter refusing registration for the work "because it is an oversize rendition of a thumb pin which is considered to be a useful article" and "does not contain any separable design element that contains sufficient copyrightable authorship to support a registration."

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