



COPYRIGHT CLAIMS BOARD

DOCKET NO. 22-CCB-0084

United States Copyright Claims Board

Stephen M Richards

CLAIMANT

v.

Hasbro, Inc., Penguin Random House LLC, and
NBCUniversal Media, LLC

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

PLEASE READ CAREFULLY

A copyright infringement claim cannot be asserted before the Copyright Claims Board if the Copyright Office has not registered, and has refused an application to register, the copyright for the allegedly infringed work. 17 U.S.C. § 1505(a). “[I]f the Copyright Claims Board receives notice that registration with respect to the work has been refused, the proceeding shall be dismissed without prejudice.” 17 U.S.C. § 1505(b)(3).

The amended claim filed in this proceeding identifies the allegedly infringed work as not registered, and lists 1-10543955931 as the Service Request number for an application to register the copyright. That application is not a valid basis for an infringement claim because the Copyright Office refused to register the allegedly infringed work. In correspondence addressed to the claimant’s attention dated August 19, 2021, a Copyright Office Examiner advised that the work was not eligible for a “basic registration” which is a registration issued on or after January 1, 1978, because it was first published in 1971. Works first published before January 1, 1978, were subject to two terms of copyright protection: an original term and a renewal term. A separate registration was required for each term, and there is a special application for renewal term copyrights. More information about renewal registration is available in [Chapter 2100](#), of the Compendium of U.S. Copyright Office Practices, Third Edition. The Copyright Office Examiner advised that the work might be eligible for an application for renewal registration, but refused basic registration.

Because registration has been refused, this proceeding must be dismissed without prejudice. 17 U.S.C. § 1505(b)(3). Dismissal without prejudice means that the claimant may raise the allegations again by filing a new claim supported by a valid copyright registration or pending application for registration.

Accordingly, the Copyright Claims Board dismisses this proceeding without prejudice and closes this case.

December 22, 2022

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