



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0238

August 4, 2023

W3X Media LLC

CLAIMANT

v.

Sean Martinet

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office refused to register the allegedly infringed works. The claim alleges infringement of the copyright in two pictorial, graphic, and sculptural works titled “Joe Biden Prank Postcard” and “Donald Trump Prank Postcard.” (Service Request numbers “1-12764105941” and “1-12764106351,” respectively). 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 July 13, 2023, citing the Service Request numbers of two pending Copyright Office applications to register the works.

On July 27, 2023, the Copyright Office notified the claimant by mail and email that registration was refused. The limitation of claim statement on the application stated that the claim was based on “new material (2-D artwork) added to preexisting elements (photograph.)” Registration was refused because “the new material does not contain a sufficient amount of original authorship.” See Section 309 of [Chapter 300](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

The Copyright Claims Board (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 Board dismisses this proceeding without prejudice and closes case 23-CCB-0238. Dismissal without prejudice means that the claimant may refile the claim; however, the U.S. Copyright Office will not knowingly register a claim that has previously been refused. See Section 602.4(E) of [Chapter 600](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

Copyright Claims Board