



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0320
December 20, 2023

Hassan H Naqvi

CLAIMANT

v.

Google LLC

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

Claimant Hassan H. Naqvi initiated this proceeding against the respondent on September 25, 2023. On September 29, 2023, the Copyright Claims Board (Board) issued a noncompliance order that notified the claimant that the claim did not comply with the applicable statutory and regulatory requirements for filings before the Board. 37 C.F.R. § 224.1(C)(2). Claimant submitted an amended claim on October 30, 2023. The Board again found it noncompliant and issued a second noncompliance order on November 16, 2023.

On December 18, 2023, claimant submitted a second amended claim, which was their final opportunity to submit 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 concluded that the claim remains noncompliant. The Board is unable to hear a copyright infringement claim against an online service provider (OSP) unless the OSP “failed to remove or disable access to the material expeditiously” upon the receipt of a valid notice under Section 512 of the Copyright Act. 17 U.S.C. § 1506(f)(1)(C); 37 C.F.R. § 222.2(c)(7)(iii)(G). The claimant states that they submitted the takedown notice to respondent, Google LLC, on July 26, 2023, and that Google removed the allegedly infringing material “the same day.” The facts in the claim show that the respondent properly took down the claimant’s work in response to a notice. The second amended claim also asserts that “[s]ince 11th August. YouTube has reinstated uploader's video due to the fact that Uploader filed a counter notification.”. However, as noted in the Second Order to Amend Noncompliant Claim, an OSP is required to restore material when it receives a counternotice. Restoring the material under such circumstances does not subject the OSP to liability. Accordingly, the Board cannot consider the claim and it must be dismissed.

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 proceeding without prejudice and closes this case. Dismissal without prejudice means that claimant may raise the allegations again by filing a new claim.