



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0251  
October 23, 2023

Troi Torain

CLAIMANT

v.

Amos Vershima Ajo

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) can only hear a copyright infringement claim if, *before* the claim was filed, the legal or beneficial owner of the copyright applied to the Copyright Office to register the copyright for the allegedly infringed work. 17 U.S.C. § 1505(a)(1). The claimant filed this infringement claim on July 25, 2023, but did not apply to register the work until August 10, 2023. Therefore, the Board issued orders that notified the claimant on August 8, 2023 and September 12, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On October 10, 2023, the claimant filed a second amended claim, which was the final opportunity to file a compliant claim in this proceeding. 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 the claim is still noncompliant because it was raised before the application for registration was submitted. *See* 17 U.S.C. § 1505(a)(1); 37 C.F.R. § 224.1(b)(2). 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.

On October 10, 2023, the claimant also filed a letter with the Board related to the facts alleged. The Copyright Claims Attorney and Copyright Claims Officer reviewed the letter and determined that it does not change the conclusion that this proceeding should be dismissed.

Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that any allegations that are not barred may be raised again by filing a new claim, if there is no agreement with the respondent to the contrary. In particular, if the claimant refiles the infringement claim in a new proceeding, it would comply with 17 U.S.C. § 1505(a) because the claimant submitted an application for registration on August 10, 2023, and the Copyright Office issued the registration certificate on August 29, 2023.

Copyright Claims Board