



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0042

Date: May 3, 2023

Dominic Haxton

CLAIMANT

v.

David Newman

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

PLEASE READ CAREFULLY

This claim must be dismissed because the Copyright Office refused to register the allegedly infringed work. The claim alleges infringement of the copyright in a motion picture work titled “Tonight It’s Me,” which the claimant describes as a short film. Registration for the work was pending as of January 30, 2023, when the claim was filed. On February 24, 2023, the Copyright Claims Board (Board) found that the infringement claim complied with its statutory and regulatory requirements and directed the claimant to proceed with service. 17 U.S.C. § 1506(f)(1)(A); 37 C.F.R. § 224.1(c)(1). The Board may hear an infringement claim when the allegedly infringed works have been registered by the Copyright Office or are subject to a pending application for registration. 17 U.S.C. § 1505(a); 37 C.F.R. § 221.1(a).

On February 27, 2023, the Copyright Office notified the claimant by email that registration was refused. To register “Tonight It’s Me,” the claimant had submitted a Single Application, which is used to register one work by one author that is solely owned by that individual. Registration was refused because the work is ineligible for registration using the Single Application. As noted in the Office’s refusal letter, “all of the authorship contained in the work and in the deposit is not by the same author. There are additional actors, or additional names in the credits, on the footage of the copy or file submitted as a deposit.” The additional actors and contributors raise issues of joint authorship or work made for hire that are ineligible for registration using the Single Application. See Section 1405 of [Chapter 1400](#) of the *Compendium of U.S. Copyright Office Practices, Third Edition*, and [Circular 11: Using the Single Application](#).

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 Board dismisses this proceeding without prejudice and closes case 23-CCB-0042. Dismissal without prejudice means the claim can be filed again in the future, after submitting a proper application or obtaining registration, provided there is no agreement with the respondent to the contrary.

In light of the dismissal and closure of this proceeding, the claimant should not proceed with service.

Copyright Claims Board