



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0061

March 25, 2025

Apple Computer, inc. and Robert Pietz

CLAIMANTS

v.

Apple, inc.

RESPONDENT

FINDING OF BAD FAITH AND ORDER DISMISSING CLAIM

Robert Pietz (Pietz) filed this copyright infringement claim before the Copyright Claims Board (Board) on February 7, 2025, accusing Apple, Inc. of infringing what appears to be one of its own copyrights. On February 20, 2025, the Board ordered Pietz to show cause why filing the claim did not constitute bad-faith conduct under 37 C.F.R. § 232.3. The Order to Show Cause ordered Pietz to file a response to that order by March 6, 2025, and to attend a conference on March 13, 2025, to explain the conduct described in the order. The Board sent Pietz, at the email address provided in the claim, a link to the virtual conference. Pietz did not file a response to the Order to Show Cause and did not attend the conference; he did not notify the Board that he would not be attending or explain his absence thereafter. The Board waited 30 minutes after the scheduled time for the conference to begin, but Pietz did not appear. The Board recorded a statement on the record and then concluded the conference.

Public records show that on January 15, 2025, Pietz formed a corporation in Florida that he named “Apple Computer, Inc.”—which, not coincidentally, is the former name of respondent Apple Inc. In this proceeding, with that new entity named as his co-claimant, he accuses Apple, Inc. of infringing the copyright in a motion picture titled “Think Different,” a well-known ad for Apple that aired in 1997. Copyright Office registration records show that Apple, Inc. (when it still did business as Apple Computer, Inc.) obtained a copyright registration for “Think Different” in 2016. Those records give no reason to think that Pietz or his “Apple Computer, Inc.” obtained any ownership rights in the copyright; instead, the claim baldly asserts that, now that Apple Inc. has formally changed its name, Pietz and his corporation “maintain and operate” its rights.

Those matters were explained in the Order to Show Cause and have not been refuted. Only a legal or beneficial owner of a copyright may bring a claim of infringement of that copyright. 17 U.S.C. §§ 501(b) & 1504(c)(1). The Board finds that Pietz and his spuriously named Florida corporation have no ownership interest in the copyright for “Think Different.” Pretending to hold those rights, and asserting them against the named copyright owner, is clearly bad faith.

The Board finds that Pietz’s actions in this proceeding constitute bad-faith conduct as defined in the Board’s regulations: “Bad-faith conduct occurs when a party pursues a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact. Such conduct includes any actions taken in support of a claim, counterclaim, or defense and may occur at any point during a proceeding before the Board,

including before a proceeding becomes an active proceeding.” 37 C.F.R. § 220.1(c). Under this standard, the Board readily finds that Pietz did not have a reasonable basis in law or in fact to file a claim against Apple Inc. for infringing the copyright in an ad for Apple that Apple Inc., not Pietz, evidently owns. The Board also finds that Pietz’s actions betrayed an improper purpose, as he chose to cloud the facts by pursuing the claim through an entity he had misleadingly given Apple Inc.’s former name.

In addition, on February 20, 2024, the Board issued an Order to Amend Noncompliant Claim, notifying Pietz and his “Apple Computer, Inc.” that the claim did not comply with the requirements of the CASE Act and related regulations and would be dismissed unless an amended claim was filed by March 24, 2025. 37 C.F.R. § 224.1(c)(2). No amended claim was filed in the time allowed. Accordingly, the Board dismisses the claim without prejudice and closes case 25-CCB-0061. 17 U.S.C. § 1506(f)(1)(B).

Copyright Claims Board