



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0082
May 8, 2025

jeffery L barrett

CLAIMANT

v.

BLOOD DESECRATION LLC,

David Sutton

RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on March 13, 2025, and April 23, 2025, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On May 2, 2025, the claimant filed a second amended claim, which was the final opportunity to file 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 the attachments and determined that the infringement claim is still noncompliant because it does not clarify the respondents' infringing activities or identify similarities between the claimant's sound recording and the respondents' allegedly infringing work. As noted in the Board's April 23rd Order to Amend Noncompliant Claim, to bring a claim of copyright infringement of a sound recording, the allegedly infringing work must contain actual sounds recorded in the allegedly infringed sound recording. A claim of infringement based on the unauthorized creation of a derivative work based on a sound recording must allege facts that show that the respondent rearranged, remixed, or in other ways reproduced or altered the actual sounds embodied in your sound recording, because for sound recordings, the right to prepare derivative works is limited to such acts.

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. For the reasons set forth, the second amended claim does not present facts sufficient to show a plausible claim of copyright infringement. Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that the allegations may be raised again by filing a new claim if there is no agreement with the respondents to the contrary.

Copyright Claims Board