



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0282

January 24, 2024

Michelle Shocked

CLAIMANT

v.

YouTube and David Pakman

RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board issued orders that notified the claimant on September 20, 2023 and December 20, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On January 9, 2024, 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 determined that the infringement claim is still noncompliant because it relies on a copyright registration that, according to its allegations, was not obtained by a legal or beneficial owner of the copyright. 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.

An infringement claim must be brought by a legal or beneficial owner of the copyright. 17 U.S.C. §§ 504(b) & 1504(c)(1). A prerequisite for filing an infringement claim with the Board is that a “legal or beneficial owner of the copyright has first delivered a completed application, a deposit, and the required fee for registration of the copyright to the Copyright Office.” 17 U.S.C. § 1505(a)(1). The claimant alleges infringement of a musical composition titled “Other People,” citing Registration No. PA0001678949. The second amended claim alleges, for the first time, that the registration erroneously identifies claimant’s LLC, Campfire Girl Publishing, as the copyright claimant (owner) based on a transfer by written agreement. However, an infringement claim based on an invalid registration cannot proceed. The second amended claim does not allege facts sufficient to support a finding that the legal or beneficial owner of the copyright has delivered a completed application, a deposit, and the required fee for registration of the copyright to the Copyright Office. 17 U.S.C. § 1505(a)(1).

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