



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0193

August 11, 2023

Richard B. Cass and Braniff Airways, Incorporated

CLAIMANTS

v.

Collin L. Ice

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office closed the application for copyright registration without issuing a registration for the allegedly infringed work.

The Copyright Claims Board (Board) can only hear a copyright infringement claim if the Copyright Office either issued a registration certificate for the allegedly infringed work, or has not refused the claimant's application to register the work. 17 U.S.C. § 1505(a)(2). The claimant filed this copyright infringement claim on June 2, 2023, citing the Service Request number of a pending Copyright Office application to register the work. On July 28, 2023, the Copyright Office examiner issued a letter refusing basic registration for the work, stating that the work is not eligible for basic registration because it was first published in the United States between 1964 and 1977, but noting that such works may be eligible for renewal registration.

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 Copyright Claims Board dismisses this proceeding without prejudice and closes this case. Dismissal without prejudice means that the claimant may raise the allegations again by filing a new claim supported by a new, pending application for registration or by a valid copyright registration.

Copyright Claims Board