



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0182
September 20, 2024

Burgundy Blue Commentary

CLAIMANT

v.

Mark Avington

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on June 28, 2024, and August 1, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board.

On August 10, 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 misrepresentation claim is still noncompliant as the claim does not provide enough detail about the facts surrounding the material falsity in the takedown notice including information related to the claimant's allegedly infringed material and the respondent's alleged infringing activity.

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 in the August 1, 2024, noncompliance order, the second amended claim does not present facts sufficient to show a plausible claim for misrepresentation under 17 U.S.C. 512(f). 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