



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0181

September 9, 2024

DaShay L Hall, Sr and Late Night Crew LLC

CLAIMANTS

v.

Mark Avington

RESPONDENT

ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders on July 2, 2024 and August 7, 2024 that notified the claimants that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for claims filed before the Board. Both the claim and the amended claim alleged misrepresentation under 17 U.S.C. § 512(f). On August 10, 2024, the claimants 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). The second amended claim alleged copyright infringement instead of a misrepresentation claim. A Copyright Claims Attorney reviewed the second amended claim and determined that it is noncompliant.

- Only a “legal or beneficial owner” of exclusive rights in a copyright may raise an infringement claim. 17 U.S.C. §§ 504(b) & 1504(c)(1). Copyright Office records for the application to register the copyright for the allegedly infringed YouTube video indicate that Late Night Crew LLC is the sole owner of the copyright. The second amended claim does not show that DaShay L Hall, Sr is a proper claimant with the ownership interest required to raise an infringement claim.
- An infringement claim must describe or show how the allegedly infringing work is substantially similar to elements of the claimant’s work that copyright protects. The second amended claim does not provide enough information describing the alleged infringement, or describing or showing the works, to support such substantial similarity.
- The Board can only grant certain forms of relief. 17 U.S.C. § 1504(e). The second amended claim requests several impermissible remedies: a declaration about the respondent’s counter-notices, a restraining order, and an order requiring YouTube to remove respondent’s work.

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. 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. If a compliant claim is filed—naming only proper claimants, seeking only permissible remedies, and presenting facts that support substantial similarity—the claim may proceed. Information about those topics is available at pages 4, 6-7, and 15-17 of the [Starting an Infringement Claim](#) chapter of the [CCB Handbook](#).