



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0068
April 5, 2024

James A Colwell

CLAIMANT

v.

Sean Seidel

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board issued orders that notified the claimant on March 19, 2023, and March 28, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On March 28, 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 because it fails to include specific allegations about a knowing misrepresentation by the respondent. Additionally, the claim alleges that a major component of the respondent's supposedly false statements was that respondent claimed ownership of the works in the counternotice, an allegation which was not supported by in the actual counternotice filed with the claim.

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 March 28, 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