



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0266
June 11, 2024

James H Dillard, II

CLAIMANTS

v.

Damon Lovell, Kenneth Rucker,
Marquis Edwards

RESPONDENT

ORDER DISMISSING CLAIM

After issuing an Order Removing Abeyance and Resuming Proceeding on January 31, 2024, the Copyright Claims Board issued orders that notified the claimant on March 5, 2024, and April 18, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On May 20, 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. The claimant has not shown that he is a legal or beneficial owner of the copyright for the allegedly infringed photographs. Copyright Office records indicate that the photographer was not the claimant's employee, and the photographs would not otherwise qualify as a work made for hire under 17 U.S.C. § 101. The claimant shows at most that he is licensed to use the photograph, not that he has the ownership interest required to raise an infringement claim. 17 U.S.C. §§ 504(b) & 1504(c)(1).

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.

Copyright Claims Board