



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0127
August 10, 2023

Corey Logan
CLAIMANT

Gamble Huff Music Publishing LLC, Gamble-Huff
Entertainment, Kenneth Gamble, Leon Huff, and Assorted
Music Inc. dba Philadelphia International Records
v. RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on May 3, 2023 and June 23, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. The claimant filed a second amended claim on June 30, 2023, again asserting claims of copyright infringement and misrepresentation under 17 U.S.C. § 512(f).

A Copyright Claims Attorney reviewed the second amended claim, determined that it cannot go forward, and referred the claim to me to confirm that it does not comply with statutory requirements for a claim before the Board and that this proceeding should, therefore, be dismissed without prejudice. I have reviewed the second amended claim, and I concur with, and confirm, the finding of noncompliance.

The allegations of the second amended claim clearly do not state a claim upon which relief may be granted by the Board. 37 C.F.R. § 224.1(b)(3); 17 U.S.C. § 1504(d)(1). It alleges that the defendants misled the claimant into signing a recording, production, and songwriting agreement based on false promises, but does not state facts that describe any reproduction, distribution, public performance, or other infringing use by the respondents of the claimant's sound recordings or musical compositions. It also states that the infringement claim is brought against an online service provider due to its storage of, or referral or linking to, infringing material, but that the claimant did not send the service provider a takedown notice as required by 17 U.S.C. § 512, which is an independent basis for dismissal. 17 U.S.C. § 1506(f)(1)(C)(i). The second amended claim also fails to state a section 512(f) misrepresentation claim, as it does not identify any claimant statement that qualifies as a section 512 takedown notice, or any respondent statement that online material was wrongly removed.

On July 10, 13, and 31, and August 1, 2023, the claimant filed documents that make additional factual assertions and legal argument. Those documents were not part of the second amended claim, and would not have changed this determination even if they were duly alleged, as their allegations of infringing activity are no more than speculative. On July 17, 2023, the Board was made aware that the claimant also mailed additional materials to the Board. These materials similarly are not part of the second amended claim and so cannot be considered.

Accordingly, the 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, if there is no agreement with a respondent to the contrary.

Copyright Claims Board