



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0156  
September 22, 2023

Donna M. Conner

CLAIMANT

v.

Life Rich Publishings aka Author Solutions  
Inc. and Readers Digest

RESPONDENTS

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on July 1, 2023 and August 16, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On September 12, 2023, 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 claim is still noncompliant because it seeks impermissible remedies and does not identify substantial similarity between expressive material in the claimant's work and any allegedly infringing 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.

In federal court, a claim for copyright infringement may seek up to \$150,000 in statutory damages for each infringed work. 17 U.S.C. § 504(c). However, the Board is required to follow the CASE Act, which limits that remedy in a Board proceeding to \$15,000 per work, and \$7,500 when the infringement began before the work was published and registered, as the claimant indicates in this case. 17 U.S.C. §§ 1504(e)(1)(A)(ii) & 412(1). The CASE Act does not permit the claimant's request for \$30,000 in statutory damages from each respondent. *Id.*

In addition, an infringement claim must identify specific expressive content protected by copyright that was copied. It cannot rely on general assertions that before the claimant's book was published, the claimant heard non-parties discussing "many words, sentences, and subjects" from the book, such as "R.I.P.," and that other books were published with similar titles or subjects. Copyright law does not protect common short phrases or titles. 37 C.F.R. § 202.1(a).

Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that any allegations that are not barred may be raised again by filing a new claim, if there is no agreement with the respondents to the contrary.

Copyright Claims Board