



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0148

September 5, 2023

Michelle Shocked and Campfire Girl Publishing

CLAIMANTS

v.

Carol H. Chen, YouTube, and David Pakman

RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board issued orders that notified the claimant on June 28, 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 August 26, 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 is barred by the statute of limitations. 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.

A claim before the Board must be filed “not later than 3 years after the claim accrued.” 17 U.S.C. § 1504(b)(1). Infringement claims accrue when the infringing act occurs or when the claimant discovers, or reasonably should have discovered, the infringement. *Starz Entertainment LLC v. MGM Domestic TV Distrib., LLC*, 39 F.4th 1236, 1239-41 (9th Cir. 2022). As explained in the [second noncompliance order](#), the claims against Carol H. Chen and YouTube related to an allegedly infringing video uploaded by Chen on YouTube on March 18, 2013, accrued no later than April 2013, ten years before Claimant commenced this proceeding. Those allegations clearly fail to state a claim upon which relief may be granted by the Board. 37 C.F.R. § 224.1(b)(3). When any claim alleged in a second amended claim is noncompliant, the entire proceeding must be dismissed. 17 U.S.C. § 1506(f)(1)(B).

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