



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0142

February 22, 2024

Adrienne Reisinger

CLAIMANT

v.

Danielle N Smith

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office refused to register the allegedly infringed work. The claim alleges infringement of one registration “Magnetic Decor - Numbers, Letters, Designs.” You described the work as “[m]agnetic numbers, letters, designs that go on the garage door.” Registration for the works was pending as of April 17, 2023, when the claim was filed. On May 10, 2023, the Copyright Claims Board (Board) placed the claim in abeyance pursuant to 37 C.F.R. § 221.1(b) pending the outcome of the applications for registration of copyright in the works at issue in the proceeding.

On December, 7, 2023, Copyright Office notified you by email that registration of the works was refused. In the refusal, the Office stated that they lacked the authorship necessary to support a copyright claim. “These works contain common letters and numbers in standard lettering. Copyright does not protect standard typefaces and lettering. Our examination of all creative elements in these works concludes that these works lack the original creativity needed to sustain registrations.” For more information on registration, please refer to the Copyright Office [Registration Portal](#).

The Board must dismiss the proceeding without prejudice when it learns that the application to register an allegedly infringed work has been refused. 17 U.S.C. § 1505(b)(3) & 37 C.F.R. § 221.1(b). Therefore, the Board dismisses this proceeding without prejudice and closes case 23-CCB-0336. Dismissal without prejudice means the claim can be filed again in the future, after submitting a proper application or obtaining registration, provided there is no agreement with the respondent to the contrary.

Copyright Claims Board