



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0230

October 12, 2023

Larry Nash

CLAIMANT

v.

Discogs

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

Claimant Larry Nash initiated this proceeding against the respondent on June 6, 2023. On June 27, 2023, the Copyright Claims Board issued a noncompliance order that notified the claimant that the claim did not comply with the applicable statutory and regulatory requirements for filings before the Board. 37 C.F.R. § 224.1(C)(2). Claimant submitted an amended claim on August 12, 2023. The Board again found it noncompliant and issued a second noncompliance order on September 12, 2023 (September 12 Order).

On October 08, 2023, claimant submitted a second amended claim, which was their final opportunity to submit 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 concluded that the claim was still noncompliant. The amended claim removed the misrepresentation allegations but did not include any additional information about how the respondent used any of claimant's exclusive rights in the work. As noted in the Board's September 12, 2023 noncompliance order, the claim contains screenshots that do not offer any details about how the respondent, and not its members, may have infringed the work. Furthermore, to the extent that the claimant is alleging that individuals on Discogs are offering lawfully obtained copies of the work for sale without his permission, that issue would not be considered a valid claim of copyright infringement. 17 U.S.C. § 109.

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 this proceeding without prejudice and closes this case. Dismissal without prejudice means that claimant may raise the allegations again by filing a new claim.

Copyright Claims Board