



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0101
April 8, 2025

jean-philippe grange

CLAIMANT

v.

David Marchant and Offshorealert

RESPONDENTS

ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders on March 31, 2025 and April 7, 2025, both notifying the claimant that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On April 7, 2025, 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 it is still noncompliant because it is barred by the statute of limitations and does not plausibly allege infringing use of the allegedly infringed sound recording.

A claim before the Board must be filed “not later than 3 years after the claim accrued.” 17 U.S.C. § 1504(b)(1). For the reasons set forth in more detail in the April 7, 2025 noncompliance order, this claim relates to a blog post by David Marchant on the Offshorealert blog in 2015, and the claim accrued no later than 2015, ten years before Claimant commenced this proceeding. No more recent infringing activity is alleged. In addition, no facts presented indicate that the respondents had access to, or made any use of, Claimant’s recording of his 2015 phone call with Mr. Marchant. As both noncompliance orders explained, apparently Mr. Marchant recorded the call himself at the same time and made use of his own recording, not Claimant’s recording. The second amended claim also impermissibly lists Claimant as one respondent’s designated service agent.

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 claim without prejudice and closes this case. Dismissal without prejudice means that the allegations may be raised again by filing a new claim, if there is no agreement with the respondents to the contrary.

Copyright Claims Board