



COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0161
May 5, 2025

William Hendrix

CLAIMANT

v.

Smiley Miley Inc.

RESPONDENT

ORDER DISMISSING CLAIM

This copyright infringement claim was filed on May 1, 2025. On May 2, 2025, the Copyright Claims Board (Board) issued an Order of Intention to Dismiss for Unsuitability, upon concluding that “this claim is unsuitable for determination by the Board under 17 U.S.C. § 1506(f)(3) because the claimant did not complete a registration application before filing the claim.” As the order explained, the Board can only hear an infringement claim if, *before* the claim was filed, the legal or beneficial owner of the copyright obtained a copyright registration or applied to register the copyright. *See* 17 U.S.C. § 1505(a).

On May 3, 2025, the claimant filed a request that the Board reconsider its determination of unsuitability, providing the service request number of an application for registration. However, Copyright Office records show that the application was filed on May 2, 2025, one day after this claim was filed, so the application is not timely and it does not support reconsideration. The application also does not appear to support registration: it claims authorship of “music, lyrics, [and] text” in a musical work, but the deposit copy of the work submitted to the Copyright Office with the application is not a musical work; it is a PDF document that states only:

Course #186 San Jose State University
Business Ethics (06/20/2017)
Vitalii K. Coursework Exhibit

A work of authorship must possess “at least some minimal degree of creativity” to be copyrightable. *Feist Publications, Inc. v. Rural Telephone Serv. Co.*, 499 U.S. 340, 358 (1991). While the Board is completely separate from the Copyright Office’s registration division, it appears very likely that the applied-for work in the deposit submitted to the Copyright Office does not contain enough creative expression to qualify for copyright protection.

Therefore the Board dismisses this proceeding without prejudice as unsuitable under 17 U.S.C. § 1506(f)(3) and 37 C.F.R. § 224.2(b)(3).

Copyright Claims Board