



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0269  
July 5, 2023

ARMATUS DEALER UPLIFT, LLC

CLAIMANT

v.

Wooden Automotive Consultants LLC

RESPONDENT

## FINAL DETERMINATION

The parties have reached a settlement and request that the Board dismiss this proceeding with prejudice and adopt certain settlement terms in a final determination pursuant to 17 U.S.C. § 1506(r)(2); 37 C.F.R. § 222.18(h). Accordingly, the Board issues this final determination on the terms stated herein.

### Procedural History

Claimant Armatus Dealer Uplift LLC (Armatus) filed the claim on December 15, 2022, asserting a claim for infringement. Armatus alleged that the respondent, Wooden Automotive Consultants LLC (Wooden), posted a sales video utilizing their script and animation on a number of websites. On January 19, 2023, the Board found the claim was compliant with the CASE Act and the Board's regulations and allowed the claimant to proceed with service. Armatus filed a proof of service that Wooden was served on February 3, 2023. Wooden did not opt out of the proceeding. The Board issued a scheduling order on April 24, 2023, requiring Wooden's response by May 24, 2023, and setting the initial conference for June 8, 2023. Wooden filed a timely response.

At the initial conference, the parties requested a settlement conference, which was set for June 28, 2023. The conference was held and, having settled, the parties submitted a joint request to dismiss this proceeding on July 3, 2023. The parties included a request that the final determination include certain settlement terms. It states the following terms:

1. That the respondent concedes, and therefore the Board finds, that respondent Wooden Automotive Consultants infringed on claimant Armatus Dealer Uplift's copyrighted material, specifically: an approximately 90-second audiovisual explanation of the type of work Armatus Dealer Uplift performs and why the targeted audience should choose Armatus Dealer Uplift as its agent/vendor, conveyed through a script and animation video images, by posting an infringing video on the Wood Automotive Consultants' own website.
2. That the respondent agrees that it will not in the future violate claimant's copyrighted material and will immediately remove from its website or any social media platform which it owns and/or uses and/or controls any material infringing on the claimant's copyright.
3. That the claimant and respondent agree, and therefore the Board finds that respondent shall pay damages in this case in the amount of Nine Thousand Dollars (\$9000.00) to the Claimant, Armatus Dealer Uplift, LLC.

The damage award in this case will be paid by respondent to claimant within 21 days of the date of this Final Determination.

### **Legal Standards**

A determination rendered by the Board shall be reached by a majority of the Board; be in writing, and include an explanation of its factual and legal basis; to the extent requested, set forth the terms of any settlement agreed to; and include a clear statement of all damages and other relief awarded. 17 U.S.C. § 1506(t)(1)(A)-(B), (D)-(E).

“Upon receipt of a joint request to dismiss claims due to settlement, the Board shall dismiss the claims or counterclaims contemplated by the agreement with prejudice, unless the parties have included in their request that the claims or counterclaims shall be dismissed without prejudice. If the parties have requested that the Board adopt some or all of the terms of the settlement in its final determination, the Board may issue a final determination incorporating such terms unless the Board finds them clearly unconscionable.” 37 C.F.R. § 222.18(h).

### **Determination**

Based on the records in this proceeding, the Board finds that the parties’ request for dismissal is appropriate and the Board grants the request on the condition of payment by the respondent as requested by the parties. The parties’ request to adopt the terms of their settlement agreement, as set forth above, is also appropriate. The terms requested are not clearly unconscionable. The Board therefore adopts the terms set forth above in this determination. 17 U.S.C. §§ 1506(r)(2) & (t)(1)(D); 37 C.F.R. § 222.18(h).

This determination constitutes the full and final relief on this claim. Upon proof of payment of the damages as set forth above, the Board shall dismiss the claim with prejudice and close this case. The respondent is directed to file such proof of payment by August 4, 2023.

Copyright Claims Board