



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0302
December 4, 2023

Raymond Charles T Philip

CLAIMANT

v.

Mr. David Brandon; Mr. David R. Brandon

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

Claimant Raymond Charles T. Philip initiated this proceeding against the respondent on September 13, 2023. On September 26, 2023, the Copyright Claims Board (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 October 25, 2023. The Board again found it noncompliant and issued a second noncompliance order on November 02, 2023.

On December 03, 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 remains noncompliant. The Board is unable to hear a copyright infringement claim unless the legal or beneficial owner of the copyright applies to register the copyright before the claim is filed. 17 U.S.C. § 1505(a). The claimant submitted an application to register the work in the second amended claim on October 25, 2023, after the claim was filed on September 13. Accordingly, the Board cannot consider the claim and it must be dismissed.

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. The claimant may refile the claim using the application number currently on file, after which the claim will return to compliance review.

Copyright Claims Board