



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0288

January 24, 2025

Frank C Rocca, II

CLAIMANT

v.

Olimpiu Toader

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on October 10, 2024, and November 27, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On December 22, 2024, 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 the attachment and determined that the infringement claim is still noncompliant because the claimant did not address any of the issues identified in the Board's noncompliance orders. The second amended claim includes conflicting facts about the allegedly infringed work and the alleged intended respondent. Additionally, it is unclear how the respondent had access to the work and how the works were substantially similar.

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. For the reasons set forth, the second amended claim does not present facts sufficient to show a plausible claim of copyright infringement. Accordingly, the Board dismisses the 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