



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0183
December 13, 2024

Khalil Burton

CLAIMANT

v.

Apple and its affiliates

RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because the Copyright Office refused to register the allegedly infringed work.

The Copyright Claims Board (Board) can only hear a copyright infringement claim if the Copyright Office either issued a registration certificate for the allegedly infringed work, or has not refused the claimant's application to register the work. 17 U.S.C. § 1505(a)(2). The claimant filed this copyright infringement claim on June 17, 2024, citing the Service Request number of a pending Copyright Office application to register the work as a sound recording. On June 21, 2024, pursuant to 37 C.F.R. § 221.1(b), the Board placed the claim in abeyance pending the outcome of the application. On December 12, 2024, the Copyright Office issued a letter refusing registration for the work.

The Board must dismiss the proceeding without prejudice when it learns that the application to register an allegedly infringed work has been refused. 17 U.S.C. § 1505(b)(3) & 37 C.F.R. § 221.1(b). Therefore, the Copyright Claims Board dismisses this proceeding without prejudice and closes this case. Dismissal without prejudice means that the claimant may raise the allegations again by filing a new claim supported by a new, pending application for registration or by a valid copyright registration.

Copyright Claims Board