



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0156

September 23, 2024

DaShay L Hall, Sr, Late Night Crew LLC

CLAIMANTS

v.

Mark Avington

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on June 27, 2024, and July 25, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board.

On August 10, 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 concluded that the claim does not allege a claim that the Board can hear. In the second amended claim, the claimant changed their claim from a claim for misrepresentation under 17 U.S.C. 512(f) to a copyright infringement claim. However, the copyright infringement claim does not specify how DaShay L Hall, Sr is the legal or beneficial owner of the work or how the respondent had access to the work. As such, the claim does not present facts sufficient for a claim of copyright infringement.

The Copyright Claims Attorney referred the second amended claim to a Copyright Claims Officer to confirm that it does not comply with the applicable statutory and regulatory requirements, and that this proceeding should therefore be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B). The Copyright Claims Officer has reviewed the second amended claim and concurs with the finding of noncompliance.

For the reasons set forth, the second amended claim does not present enough facts for the claim to proceed. 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 respondent to the contrary.

Copyright Claims Board