



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0326

October 31, 2023

Adam D Indes-Kuehr

CLAIMANT

v.

Tyler Hentzner

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

Claimant Adam D. Indes-Kuehr initiated this proceeding against respondent on September 27, 2023. On September 29, 2023, the Copyright Claims Board issued a noncompliance order that notified them 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 10, 2023. The Board again found it noncompliant and issued a second noncompliance order on October 13, 2023. On the same day, the claimant(s) 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 does not allege a claim that the Board can hear. 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.

Claimant's main allegations consist of a copyright ownership dispute, which the Board is unauthorized to hear. Claimant alleges that respondent provided false ownership information to BMI and has otherwise "claimed that he authored the seven recorded songs based on the Works." These allegations relate to who owns the copyright in the works at issue. The Board is only authorized to hear claims of copyright infringement, not ownership disputes. [17 U.S.C. § 1504\(c\)\(1\)](#). The remaining allegations in the claim are vague and conclusory. For example, claimant alleges that "upon information and belief" the respondent "sold, assigned, and/or licensed" the songs to unidentified third parties who then engaged in unidentified exploitation of the works.

Accordingly, 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. Any new claim should not raise issues of mere ownership but instead must include concrete allegations of the respondent's activities selling, assigning, or licensing activity to third parties without authorization.