



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0351
March 28, 2024

Barbrara M. Bonneau

CLAIMANT

v.

Delia Owens and Penguin Group

RESPONDENTS

ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders that notified the claimant on November 8, 2023 and February 21, 2024 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On March 20, 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 determined that the infringement claim is still noncompliant because it fails to show that the allegedly infringing work is substantially similar to expressive, protectible elements of the claimant's work. 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 in the February 21, 2024 noncompliance order, the second amended claim does not present facts sufficient to find 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