



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0313

October 23, 2023

Eunju Lee

CLAIMANT

v.

Diana Lam

RESPONDENT

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 September 20, 2023, citing the Service Request number of a pending Copyright Office application to register the work. On the same day, pursuant to 37 C.F.R. § 221.1(b), the Board placed the claim in abeyance pending the outcome of the application. On October 12, 2023, the Copyright Office issued a letter refusing registration for the work "because it is a useful article that does not contain any separable, copyrightable authorship needed to sustain a claim to copyright."

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