



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0159  
September 22, 2023

Donna M. Conner

CLAIMANT

v.

Blurb.com

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board (Board) issued orders that notified the claimant on June 7, 2023 and August 16, 2023 that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On September 13, 2023, 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 claim is still noncompliant because it clearly fails to state a claim upon which the Board can grant relief. 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.

The allegations of the second amended claim clearly do not state a claim upon which relief may be granted by the Board. 37 C.F.R. § 224.1(b)(3). The claimant asserts a claim of misrepresentation under 17 U.S.C. § 512(f), but does not identify any misrepresentation by the respondent related to infringement or relied on by any online service provider. The claimant describes the claim as “more of a breach of contract regarding submission of my manuscript” to the respondent. Under the CASE Act, the Board cannot decide a breach of contract claim. 17 U.S.C. § 1504(d)(1).

On September 15, 2023, the claimant sent the Board an email related to the facts alleged. The Copyright Claims Attorney and Copyright Claims Officer reviewed the email and determined that it does not change the conclusion that this proceeding should be dismissed.

Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that any allegations that are not barred may be raised again by filing a new claim, if there is no agreement with the respondent to the contrary.

Copyright Claims Board