



# COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0250  
May 9, 2023

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Mary Ann Palermo

CLAIMANT

v.

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Steven w Elling

RESPONDENT

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## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On November 26, 2022, the claimant filed claim 22-CCB-0250 with the Copyright Claims Board (Board). On December 19, 2022, the Board found this claim compliant and filed a Notice of Compliance and Direction to Serve.

A claimant has 90 days after receiving the Notice of Compliance to file a proof of service or waiver of service form with the Board. 17 U.S.C. § 1506(g); 37 C.F.R. § 222.5(b)(3)(i); 37 C.F.R. § 222.5(c)(5).

The claimant filed a proof of service form on February 23, 2023. The proof of service stated that service was made on respondent, “an entity,” “by mail to Steven W. Elling 18 Willow Lane, Canaan NY the Respondent’s designated service agent listed in the Copyright Claims Board Designated Service Agent Database.” The claimant dated and signed the form as the server of the documents.

On April 20, 2023, the Board issued an Order to Show Cause noting that the proof of service submitted did not appear to reflect effective service, and giving the claimant the opportunity to explain why the proceeding should not be dismissed. In the Order to Show Cause, the Board noted that the proof of service form was completed incorrectly. Specifically, the Order stated that Steven W. Elling is an individual, not an entity, so the incorrect section of the form was completed. Additionally, the box checked for method of service refers to the Board’s Designated Service Agent Database (DSAD), but DSAD is used for corporations, partnerships, or unincorporated associations, and not for individuals. The Board also confirmed that service by mail on an individual is not permitted under 17 U.S.C. § 1506(g) or under New York Law, unless additional requirements are met.

The Board received no new proof of service document and no response to the Order to Show Cause. Therefore, the case is dismissed without prejudice and will be closed. 17 U.S.C. § 1506(v)(1). Dismissal without prejudice means the claimant may raise the allegations again by filing a new claim.

Copyright Claims Board