



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0333  
January 16, 2025

Victor McClain

CLAIMANT

v.

Dwayne D. Brown

RESPONDENT

## ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders on November 15, 2024 and December 16, 2024 that notified the claimant that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On January 12, 2025, 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, which has been amended in name only, and determined that the copyright infringement claim is still noncompliant. It misidentifies the claimant's work as a sound recording, though the copyright registration covers only "words & music"; it does not present facts that indicate that the respondent had access to the claimant's work, or that the allegedly infringing work is substantially similar to expressive, protectible elements of the claimant's work; and it claims infringement by an online service provider (OSP) without affirming, as 17 U.S.C. § 1506(f)(1)(C)(1) requires, that the OSP failed to expeditiously comply with a takedown notice. 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. Based on the foregoing issues, which are set forth more fully in the November 15 and December 16 noncompliance orders, the Board finds that the second amended claim does not comply with the applicable requirements.

Accordingly, the Board dismisses this 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 respondent to the contrary.

Copyright Claims Board