COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0650
November 23, 2026

Combat Veterans Motorcycle Association, MA2-1, Inc.	*v.*	Scott Deveau
CLAIMANT		**RESPONDENT**

ORDER DISMISSING CLAIM

The Copyright Claims Board issued orders on October 22, 2026, and November 12, 2026, that notified Claimant that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On November 17, 2026, 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).

The second amended claim includes a claim of copyright infringement and a claim for a declaration of noninfringement. A Copyright Claims Attorney reviewed the second amended claim and determined that the infringement claim is still noncompliant because it does not include specific facts that would support the Board finding that Respondent engaged in any infringing activity. 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.

Claimant alleges that Respondent made an unauthorized copy of Claimant's two-dimensional artwork, created a derivative artwork based on Claimant's work, and submitted the derivative work for deposit with the Copyright Office. The Board does not entertain claims that a submission to the Copyright Office, without more, is an act of copyright infringement. In addition, Claimant notes that Respondent included copies of Claimant's work and the allegedly infringing artwork as exhibits displayed on the Board's publicly accessible online docket in Respondent's separate claim against Claimant (*Deveau v. Combat Veterans Motorcycle Association MA 2-1*, Claim No. 26-CCB-0374). Reproducing a copyrighted work as a litigation exhibit is a hallmark example of fair use that does not constitute copyright 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 Respondent to the contrary. While Claimant has not presented allegations that support an infringement claim that the Board can hear, the second amended claim includes facts that could support a noninfringement claim moving forward as compliant in a separate proceeding.

Copyright Claims Board