

Coming Soon: Copyright Claims Board to Hear Small Copyright Claims

What can you do if you are involved in a relatively small copyright dispute? You could bring a lawsuit in federal court, but federal litigation can be costly and time consuming. You may find that the cost of a federal lawsuit greatly outweighs any money you could be awarded or ordered to pay. To help people who find themselves in this situation, Congress passed the **Copyright Alternative in Small-Claims Enforcement Act of 2020 (CASE Act)**. The law establishes the Copyright Claims Board (CCB), a tribunal in the Copyright Office composed of three Officers that will provide an efficient and user-friendly option to resolve small copyright claims.



When will the CCB be able to hear claims?

You will be able to use the CCB when it opens in the spring of 2022.

How will the CCB be a better place to bring or defend against a copyright claim?

The CCB will be efficient, cost-effective, and easy to use. It will have streamlined processes like limited discovery and motions and will be mostly paper-based. As a result, everyone involved in CCB proceedings will need to use far fewer resources (in money and time) than in federal court. Additionally, if someone brings a claim against you, the maximum you will have to pay if the CCB rules against you is \$30,000. This significantly reduces your potential liability depending on the case. For example, if a copyright owner is seeking statutory damages (which are different than actual damages and limited to a certain monetary range), they will be limited to \$15,000 per work in damages for timely registered works, which is ten times less than the \$150,000 per work limit in federal court. Regardless of whether you are bringing or defending against a claim, you will benefit from the expertise of the CCB Officers, who will have extensive experience with copyright law and be well equipped to assess your position.



CCB proceedings will be streamlined, and monetary damages will be capped at \$30,000.



To bring a claim with the CCB, you will need to either (1) have a registration from the Copyright Office for the work(s) at issue, or (2) have filed an application with the Copyright Office to register the work(s) at issue either before or simultaneously with filing a claim with the CCB.

Will I have to use the CCB?

No. The CCB is designed to provide parties with the opportunity to choose how they want to adjudicate copyright disputes. You will not be required to bring claims in the CCB and you will be able to opt out if you receive a claim. If you decide not to use the CCB, however, the other party can still bring a federal lawsuit against you, which would likely be more expensive and time consuming. If that happens, the fact that you opted out won't be held against you in the federal court proceeding. If you do choose to use the CCB, you should note that your ability to ask a federal court to reverse a decision you don't like will be more limited.

What kinds of cases will the CCB hear?

The CCB will be able to consider claims that do not exceed \$30,000 and seek relief for infringement of one of the **exclusive rights in the Copyright Act** (like reproduction or distribution, among other things); declarations of noninfringement of an exclusive right (when a party accused of infringement wants a legal statement that they are not liable for infringement); misrepresentations during the notice and counter-notice process under **section 512** of the Copyright Act (this is part of the Digital Millennium Copyright Act, also known as the DMCA); counterclaims related to the same transaction or occurrence that is the subject of the original claim; and legal or equitable defenses under copyright law or that are otherwise available.

Will I need an attorney?

You will be able to represent yourself and will not need an attorney to participate in a CCB proceeding. The CCB, however, will allow you to use an attorney, so you will be able to hire or consult with one if that makes you more comfortable. The Copyright Office cannot recommend specific attorneys, but you may consider whether to reach out to a law school clinic or volunteer legal organization in your area if you would like assistance free of charge.

How can I learn more and keep up to date on the Office's progress?

For more information and updates on the Office's implementation, see our **Copyright Small Claims and the Copyright Claims Board webpage**. For real time updates, **sign up for our NewsNet service**.

