



Client Alert

June 7, 2022

U.S. Copyright Office Announces Copyright Claims Board Accepting Claims Beginning June 16, 2022

The U.S. Copyright Office has announced that the Copyright Claims Board will begin accepting claims on Thursday, June 16, 2022. The Copyright Claims Board was created to provide a user-friendly, less expensive, and more efficient forum than federal court for resolving certain “small-claim” copyright infringement claims, counterclaims, and defenses under U.S. copyright law.

Background

In December 2020, Congress passed the Copyright Alternative in Small-Claims Enforcement Act of 2020 (the CASE Act), which directed the Copyright Office to establish the Copyright Claims Board (CCB). The CCB is a three-member tribunal within the Copyright Office that provides a streamlined alternative to federal court for resolving certain “small-claim” copyright disputes. Cases involving less than \$30,000 are considered “small claims.”

After many months of preparation, the Copyright Office will begin accepting claims on June 16, 2022, via its new website [CCB.gov](https://www.ccb.gov). This online resource is the gateway for commencing claims before the CCB, and also serves to assist people in understanding the purpose, mission, and processes of the CCB. The website is the primary location for information about filing and responding to claims, opting out of proceedings, accessing the CCB’s Handbook, FAQs, and contacting the CCB with questions.

CCB Overview

The CCB is comprised of three officers with deep expertise in copyright law, who are well-suited to decide a variety of copyright disputes.

CCB proceedings will be less formal and less expensive than litigation in the courts. The CCB limits discovery, and parties will rely primarily on written materials; formal motions will not typically be included in a CCB proceeding. CCB proceedings are voluntary and either party may opt out if a federal court is preferred.

A copyright owner’s work does not have to be registered prior to commencing a CCB proceeding, but an application for registration must at least be pending at the U.S. Copyright Office. For claimants that do not yet have an issued registration, a system has been created to allow expedited prosecution of a copyright application that is the subject of a CCB proceeding. The statute of limitations to file a claim with the CCB is the same as it is for federal court – three years from the date of the activities involved in the claim.

CCB decisions, which are not precedential, will be posted online at [CCB.gov](https://www.ccb.gov). Parties who disagree with CCB decisions may, under certain circumstances, seek review at the Copyright Office or in federal court.

Business Considerations

Businesses who are active creators or users of copyrighted works may want to take note of the advantages and limitations of the new tribunal created by the CASE Act, which are summarized [here](#).

Copyright owners interested in filing an infringement claim, copyright users seeking a declaration of noninfringement, or any party claiming a misrepresentation in a DMCA notice, can find more information [here](#). On the other hand, if a party receives notice that a claim has been filed against them, [this site](#) can serve as a guide through the process. Corporations, partnerships, or unincorporated associations may elect to receive CCB claim notices through a designated service agent, such as trusted counsel.

A party may opt out of a proceeding. Failure to proactively opt out or otherwise respond to a claim could result in a default determination against the party, which could lead to an adverse decision, including the possibility of a monetary damage award (although the CCB does not have injunctive power).

CCB proceedings have been designed to be user-friendly so people can understand and navigate the process without an attorney, making it easier for people to represent themselves. However, if you need assistance at any point, the attorneys at COJK are here to help.

This alert is not intended to provide legal advice, and no legal or business decision should be based on its content. Questions concerning issues addressed in this alert should be directed to your [COJK attorney](#) or to:

[Peter W. Becker](#)
206-682-8100
peter.becker@cojk.com