



Client Advisory: Copyright Claims Board

December 12, 2022

In late 2020, Congress passed the **Copyright Alternative in Small-Claims Enforcement Act of 2020 (CASE Act)**, which directed the Copyright Office to create a Copyright Claims Board (CCB) to hear copyright infringement claims. The CCB is intended to be a less expensive, user-friendly alternative to federal court. The CCB can hear claims of up to \$30,000. The proceedings are entirely electronic and remote. Because the barriers to entry are much lower with the CCB than federal court, copyright holders may opt to file infringement claims with the CCB that they may not otherwise have filed.

For most CCB claims, the person who initiates the claim (the “claimant”) is alleging that another person or entity (the “respondent”) infringed the claimant’s copyright. However, it is only an allegation; the claimant may not be correct about the infringement or there may be a defense to the allegation (e.g., fair use).

Claim notices

When a claimant files a claim with the CCB, the claimant must serve notice of the claim on the respondent. The initial notice must include the parties’ names, a docket number, the names and mailing address of the claimant(s), the type of claim(s) asserted, and other information about the CCB. With the notice, the claimant must provide a copy of the claim approved by the CCB and a form the respondent can use to opt out of participation in the CCB proceeding.

Generally, a hard copy of the notice must be served, so if you receive only an email notice, it may not be a legitimate notice. You can check to see if the CCB has a docket showing on the [CCB website](#).

If you receive a legitimate CCB claim notice, do not ignore it. If you ignore it, the case will continue and the CCB may enter a default judgment against the named respondent, holding the respondent responsible for the dollar amount the claimant claimed as damages in the notice.

After a claimant serves the initial notice on the respondent, the respondent has 60 days to decide whether to participate in the CCB proceeding or to opt out. Opting out does not end the dispute; the claimant may still decide to file suit in federal court. More information for respondents, including factors to consider when deciding whether to opt out of or participate in a CCB proceeding, is available on the [CCB website](#).

What to do with a claim notice

If you receive a notice of a claim

- **naming Harvard or a Harvard school, department, office, institute, or center; OR**
- you are a **non-teaching employee of the University** and the claim names you and **relates to your work at Harvard; OR**
- you are a **teaching employee of the University** and the claim names you and **relates work you do at Harvard other than your scholarly publications**,¹

you should contact the [Office of the General Counsel](#) as soon as possible.

If you receive a notice of a claim that names you and it relates to work that does not belong to Harvard (please see the University's [Intellectual Property Policy](#) for more information), the Office of the General Counsel cannot provide you with legal advice on the claim. However, **you should not ignore a claims notice**. You can find more information on respondents' options on the [CCB website](#).

¹ Under Harvard's Statement of Policy in Regard to Intellectual Property, with certain exceptions, Harvard does not own copyright in the copyrightable works of the teaching employees of the University. It therefore isn't able to defend or provide legal advice relating to such a claim.