

Copyright Alternative in Small-Claims Enforcement Act:

Empowering Individuals and Small Business to Enforce Their Copyrights

H.R. 3945, CASE Act

“Our current copyright laws are virtually unenforceable when it comes to the infringement of visual works.” [Graphic Artists’ Guild](#)

The Problem: Copyright Is Effectively Unenforceable For Many Rights Holders

The average cost of litigating copyright claims in the United States exceeds \$350,000, which means hundreds of thousands of individual and small business copyright holders are unable to enforce ownership rights in their creative works. As a result:

- Infringers continue to illegally exploit the works of individuals and small businesses with virtually no consequences
- Individual and small business copyright holders are less incentivized to create new works because they cannot protect their works
- Society loses out on valuable works that provide knowledge and economic growth

The Solution: A Small Claims Process That Makes Copyright Enforcement Accessible

In a 2013 report requested by the House Judiciary Committee, the Copyright Office recommended the creation of a copyright small claims process to address this enforcement gap. Based on the report’s recommendations, Representatives Hakeem Jeffries (D-NY) and Tom Marino (R-PA) introduced the bipartisan “CASE Act” to **create a Small Claims Board in the Copyright Office so that individuals and small businesses will have a non-cost prohibitive, efficient alternative for fighting copyright infringement.**

The “Copyright Alternative in Small-Claims Enforcement Act” (CASE Act) creates a Small Claims Board, which is a low-cost, efficient, and voluntary alternative to district court for infringement claims of less than \$30,000. The Board:

- **Provides expert copyright adjudication** – Claims are adjudicated by a three member panel of copyright and dispute resolution experts
- **Permits faster dispute resolution** – Streamlined procedural timeline for hearing cases
- **Decreases cost of discovery** – Generally limited to the production of relevant information through written documents, interrogatories, and written requests for admission
- **Enables voluntary participation** – Voluntary participation by plaintiffs and option to opt-out by defendants for district court
- **Avoids burdening the district courts** – The Board, as an alternative to district court, avoids increasing the caseload for district court
- **Encourages *pro se* and clinic reliant representation** – Artists may effectively proceed *pro se* or through other low-cost means of legal representation, such as with the assistance of upper-level law students, trained in both copyright and client advocacy

By establishing a low-cost, streamlined alternative enforcement process, the CASE Act makes copyright enforceable.