



American Intellectual Property Law Association

May 9, 2025

Ms. Shira Perlmutter
Register of Copyrights and Director
U.S. Copyright Office
101 Independence Avenue, SE
Washington, DC 20559-6000

**Re: Comments Submitted Pursuant to Notice of Inquiry and Request for
Comments: CASE Act Study, 90 Fed. Reg. 11625 (Mar. 10, 2025)**

Dear Register Perlmutter:

The American Intellectual Property Law Association (AIPLA) is pleased to offer comments in response to the above-referenced U.S. Copyright Office Notice of Inquiry and Request for Comments: CASE Act Study (the “Notice”) related to the Copyright Claims Board.

Founded in 1897, AIPLA is a national bar association of approximately 7,000 members who are engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent (utility and design), trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping to establish and maintain fair and effective laws and policies that stimulate and reward invention while also balancing the public’s interest in healthy competition, reasonable costs, and basic fairness. Our members have a key interest in an efficient and effective Copyright Office.

AIPLA commends the Copyright Office for the successful adoption and administration of the Copyright Claims Board (“CCB”). As the Notice states, the CCB is intended to be easier for pro se parties to use than litigating in federal court. As such, our members have had limited direct engagement with the CCB. However, we support the Office’s efforts to create a viable forum for small copyright disputes.

AIPLA offers the following comments on selected topics raised by the Office in the Notice.

I. Bad-Faith Conduct and Sanctions (Question 5)

We believe that measures to deter bad-faith conduct are essential to the long-term viability of the CCB, but proportionality is important. We recommend that the Office consider adopting graduated sanctions that scale with the nature and frequency of misconduct. This may help to minimize the degree to which individuals are excluded from the forum. However, where individuals exhibit a pattern of intentional misuse, suspension in excess of one year may be

appropriate, particularly in situations where bad-faith filings are submitted shortly after the expiration of a prior suspension.

In addition, the Office might consider increasing transparency around sanction enforcement outcomes, including anonymized summaries of sanctions imposed, similar to how many courts and administrative bodies publish disciplinary statistics or case digests. Such summaries may also provide clarity around what constitutes “bad faith” under the statute and regulations. We encourage the Office to explore a rulemaking or policy guidance process to articulate these standards, particularly for self-represented litigants who may not understand the legal consequences of repeated or vexatious filings. This would serve the dual function of deterring abuse and reinforcing stakeholder confidence in the integrity of the system.

II. Public Outreach and Education (Question 3)

We commend the Copyright Office for its substantial efforts to make the CCB accessible to self-represented individuals and small creators. The CCB’s website, handbook, and video tutorials are important foundations, and we encourage continued investment in these resources. That said, much of the community the CCB is intended to serve, especially independent artists, musicians, and designers, remain unaware of its existence or uncertain about how to engage with it effectively.

We encourage the Office to expand outreach through local arts organizations, libraries, community legal clinics, and professional guilds, which are often trusted intermediaries for creative professionals, such as Volunteer Lawyers for the Arts.

III. Jurisdictional Scope and CMI Claims (Question 7)

We appreciate the Office’s interest in exploring refinements to jurisdiction, damages, and cost-shifting to improve the forum’s efficacy and accessibility.

With respect to subject-matter jurisdiction, we believe it would be appropriate to consider expanding the CCB’s authority to include certain additional claims under Title 17, chiefly Section 1202 claims involving the removal or falsification of copyright management information (CMI). While CMI claims can be factually complex, they are increasingly relevant in online infringement contexts, especially where attribution or licensing terms are embedded in metadata or captions. Many small creators rely heavily on CMI to assert control over their work in online environments, and providing a forum for limited-value claims could fill an important enforcement gap.

IV. Mediation and ADR (Question 9)

We understand the appeal of introducing mediation or other alternative dispute resolution (ADR) tools into the CCB process, particularly given ADR’s potential to facilitate settlements and reduce adversarial friction. However, from a practical standpoint, we are concerned that layering formal mediation into the CCB structure may not fully serve its intended users well. The primary audience for the CCB is individual creators and small businesses unfamiliar with litigation. This clientele already faces significant barriers to understanding and navigating copyright law, let alone federal procedure. Furthermore, the CCB requires additional procedures due to the opt-out requirement, which extends the timeframe for resolution. Introducing

additional mandatory procedural layers, such as mediation, may unintentionally increase confusion, cost, and delay, potentially undermining the simplicity and accessibility that define the CCB's core value proposition.

Moreover, meaningful ADR typically depends on the presence of experienced neutrals and legally sophisticated parties. In the small-claims copyright context, parties are often self-represented and unsure of their rights or the likely outcomes. Without strong guidance or representation, mediation may do little to advance resolution, and may even risk coercive settlements if power or knowledge imbalances are not carefully managed.

For these reasons, we would caution against embedding mediation as a standard or required part of CCB proceedings. If the Office wishes to explore ADR, we recommend keeping it strictly optional, used only where both parties affirmatively elect it, and where a clear framework ensures transparency and cost control.

Conclusion

AIPLA appreciates the opportunity to provide these comments and would be pleased to respond to any questions or provide further input as needed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kimberly Van Voorhis', with a stylized, flowing script.

Kimberly Van Voorhis
President
American Intellectual Property Law Association