

AIPLA

American Intellectual Property Law Association

September 24, 2018

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
United States House of
Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
United States House of
Representatives
2109 Rayburn House Office Building
Washington, DC 20515

**Re: Support for H.R. 3945, the Copyright Alternative in Small-Claims
Enforcement (“CASE”) Act of 2017**

Dear Chairman Goodlatte and Ranking Member Nadler:

The American Intellectual Property Law Association (“AIPLA”) is pleased to support H.R. 3945, the “Copyright Alternative in Small-Claims Enforcement (“CASE”) Act of 2017,” which establishes an administrative small claims procedure at the U.S. Copyright Office, and urges the Committee to move forward promptly.

AIPLA is a national bar association of approximately 13,500 members who are primarily lawyers engaged in private or corporate practice, government service, and 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, trademark, copyright, trade secret, and unfair competition, 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 and authorship while balancing the public’s interest in healthy competition, reasonable costs, and basic fairness.

AIPLA believes the creation of a copyright small-claims tribunal serves the laudable purpose of affording copyright holders the opportunity to have their copyright infringement claims adjudicated when the potential damages for such infringement may not make it feasible to seek relief in federal court. In addition, a small-claims tribunal must balance the interests of the copyright holder with those of the potential defendants by being entirely voluntary and offering appropriate incentives for participation—such as a cap on damages.

In essence, a small-claims tribunal is recognition that traditional federal court litigation is in certain instances simply too burdensome, time-consuming, and expensive for claims beneath a certain threshold. A goal of any small claims

legislation, therefore, should be to provide a forum and mechanism for bringing and resolving those disputes in an alternative environment and under rules intended to curtail these burdens. An effective small-claims tribunal will also encourage prompt resolution of minor disputes rather than offer an opportunity for gamesmanship. AIPLA believes the language of the CASE Act serves these meaningful ends.

AIPLA appreciates the Committee's attention to this issue and we look forward to working with the Committee as the process moves forward.

Sincerely,

A handwritten signature in black ink that reads "Myra H. McCormack". The signature is written in a cursive, flowing style.

Myra H. McCormack

President

American Intellectual Property Law Association