



American Intellectual Property Law Association

July 15, 2019

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
U.S. Senate
Room 224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
U.S. Senate
Room 152 Dirksen Senate Office Building
Washington, D.C. 20510

**Re: Support for S. 1273, the Copyright Alternative in Small-Claims
Enforcement (“CASE”) Act of 2019**

Dear Chairman Graham and Ranking Member Feinstein:

The American Intellectual Property Law Association (“AIPLA”) is pleased to support S. 1273, the “Copyright Alternative in Small-Claims Enforcement (‘CASE’) Act of 2019,” 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 12,000 members 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 an administrative 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 make it infeasible to seek relief in federal court. In essence, small claims legislation correctly recognizes that for parties of limited resources or for claims beneath a certain threshold, traditional federal court litigation is too time-consuming, costly, and burdensome to pursue. Copyright holders in these instances are thus deprived of the protections copyright law is intended to provide. The CASE Act affords copyright holders an alternative forum and mechanism for bringing and resolving disputes under rules that effectively alleviate these burdens.

In addition, the CASE Act fairly balances the interests of the copyright holder with those of potential defendants and appropriately incentivizes participation in the dispute

resolution process. The process will be voluntary, allowing respondents a 60-day opt-out period, and a reasonable cap on damages. Furthermore, the Copyright Office may limit the number of cases a single claimant is permitted to bring per year, and bad faith claims will be subject to strong penalties. The prompt resolution of minor disputes will thereby be promoted, whereas opportunities for gamesmanship will not.

AIPLA appreciates the attention to this important issue and we urge the Committee to move forward with the legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon H. Klein", with a stylized flourish at the end.

Sheldon H. Klein
President
American Intellectual Property Law Association

Cc: Committee on the Judiciary