

Jason Bloom in Law360: 'New Copyright Board May Not Draw Much of a Crowd at First'

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PRACTICES Intellectual Property, Copyright, Intellectual Property Litigation

Set to begin hearing cases this spring, the new Copyright Claims Board is meant to be a low-cost, quick option for copyright owners to bring their infringement claims, but attorneys say litigants may not rush to take cases to the board right as it gets up and running.

In late 2020, Congress passed the Copyright Alternative in Small-Claims Enforcement Act, which directed the U.S. Copyright Office to establish the CCB, a voluntary, alternative tribunal to district court for copyright owners to resolve disputes valued under \$30,000.

... the CCB cannot issue injunctions, nor can it award attorney fees unless there's a showing of bad faith, which is capped at \$5,000. The options for appealing the board's decision are limited to the Copyright Office or federal courts, the latter of which is restricted to issues involving fraud, corruption, misrepresentation and misconduct.

"Given the damages and fee award limitations, attorneys should be cautious about investing too much time or resources into CCB proceedings, which in many ways seem to be designed to accommodate pro se litigants," according to [Jason Bloom](#) of Haynes Boone.

There may also be issues with enforcing the CCB's judgments, and a prevailing party will still need assistance from a federal court to enforce any relief awarded by the board, Bloom added.

Excerpted from *Law360*. Read more [here](#).