

Appendix M

Copyright Alternative in Small-Claims Enforcement Act of 2020¹

DIVISION Q - FINANCIAL SERVICES PROVISIONS AND INTELLECTUAL PROPERTY

Title II — Intellectual Property Subtitle A—Copyrights

Section 212 · Copyright Small Claims.

(a) **SHORT TITLE.** — This section may be cited as the “Copyright Alternative in Small-Claims Enforcement Act of 2020” or the “CASE Act of 2020”.

(d) **IMPLEMENTATION.** —

(1) **IN GENERAL.** — Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, the Copyright Claims Board established under section 1502 of title 17, United States Code, as added by subsection (b) of this section, shall begin operations.

(2) **EXTENSION.** — The Register of Copyrights may, for good cause, extend the deadline under paragraph (1) by not more than 180 days if the Register of Copyrights provides notice of the extension to the public and to Congress.

(e) **STUDY.** — Not later than 3 years after the date on which the Copyright Claims Board issues the first determination of the Copyright Claims Board under chapter 15 of title 17, United States Code, as added by subsection (b) of this section, the Register of Copyrights shall conduct, and report to Congress on, a study that addresses the following:

(1) The use and efficacy of the Copyright Claims Board in resolving copyright claims, including the number of proceedings the Copyright Claims Board could reasonably administer.

(2) Whether adjustments to the authority of the Copyright Claims Board are necessary or advisable, including with respect to —

(A) eligible claims, such as claims under section 1202 of title 17, United States Code; and

(B) works and applicable damages limitations.

(3) Whether greater allowance should be made to permit awards of attorneys' fees and costs to prevailing parties, including potential limitations on such awards.

(4) Potential mechanisms to assist copyright owners with small claims in ascertaining the identity and location of unknown online infringers.

(5) Whether the Copyright Claims Board should be expanded to offer mediation or other nonbinding alternative dispute resolution services to interested parties.

(6) Such other matters as the Register of Copyrights believes may be pertinent concerning the Copyright Claims Board.

(f) SEVERABILITY. — If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section, and the application of the provision or the amendment to any other person or circumstance, shall not be affected.

Appendix M · Notes

1. This appendix contains provisions from the Copyright Alternative in Small-Claims Enforcement Act of 2020, Division Q, Title II, Subtitle A of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-26, 134 Stat. 1182, that do not amend Title 17 of the *United States Code*.