Discussion with the Copyright Claims Board: History and Resources

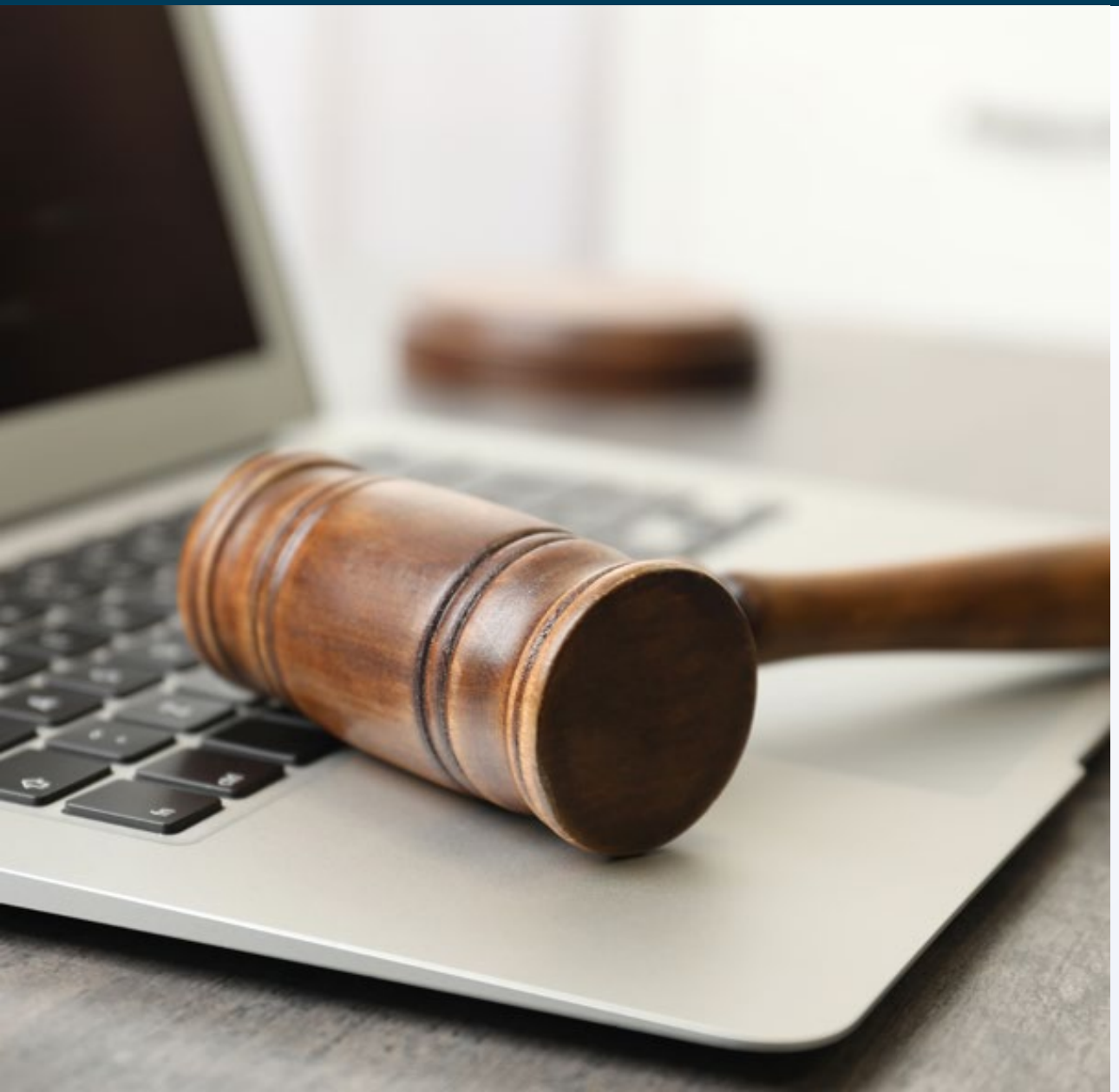
OREGON STATE BAR
INTELLECTUAL PROPERTY SECTION

January 28, 2026

Monica McCabe
Copyright Claims Officer
Copyright Claims Board

Kimberly Gallego
Paralegal Specialist
Copyright Claims Board

WHAT IS THE COPYRIGHT CLAIMS BOARD (CCB)?



- **A Small Claims Tribunal for Copyright Disputes**
  A voluntary, low-cost alternative to federal court for resolving copyright disputes (up to $30,000).
- **Who Can Use the CCB?**
  Creators, artists, designers, and businesses—whether filing a claim or responding to one.
- **Why Choose the CCB?**
  - Entirely online: No travel, no courtrooms
  - No lawyer required
  - Simple, affordable, and user-friendly
  - Participation is voluntary

WHO MAKES UP THE CCB?

The Copyright Claims Board is made up of:

- Copyright Claims Officers **David Carson**, **Monica McCabe**, and **Brad Newberg**
- Acting Supervisory Copyright Claims Attorney **Dan Booth**
- Copyright Claims Attorney **Maya Burchette**
- Paralegal Specialist **Kimberly Gallego**
- Program Specialist **Natalie Cronin**

David Carson

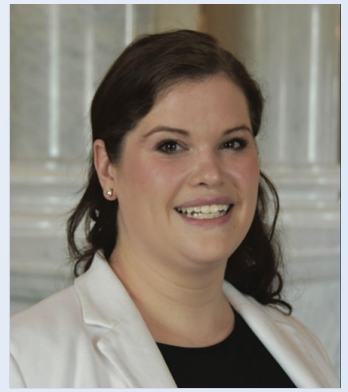
Monica McCabe

Brad Newberg

Dan Booth

Maya Burchette

Kimberly Gallego



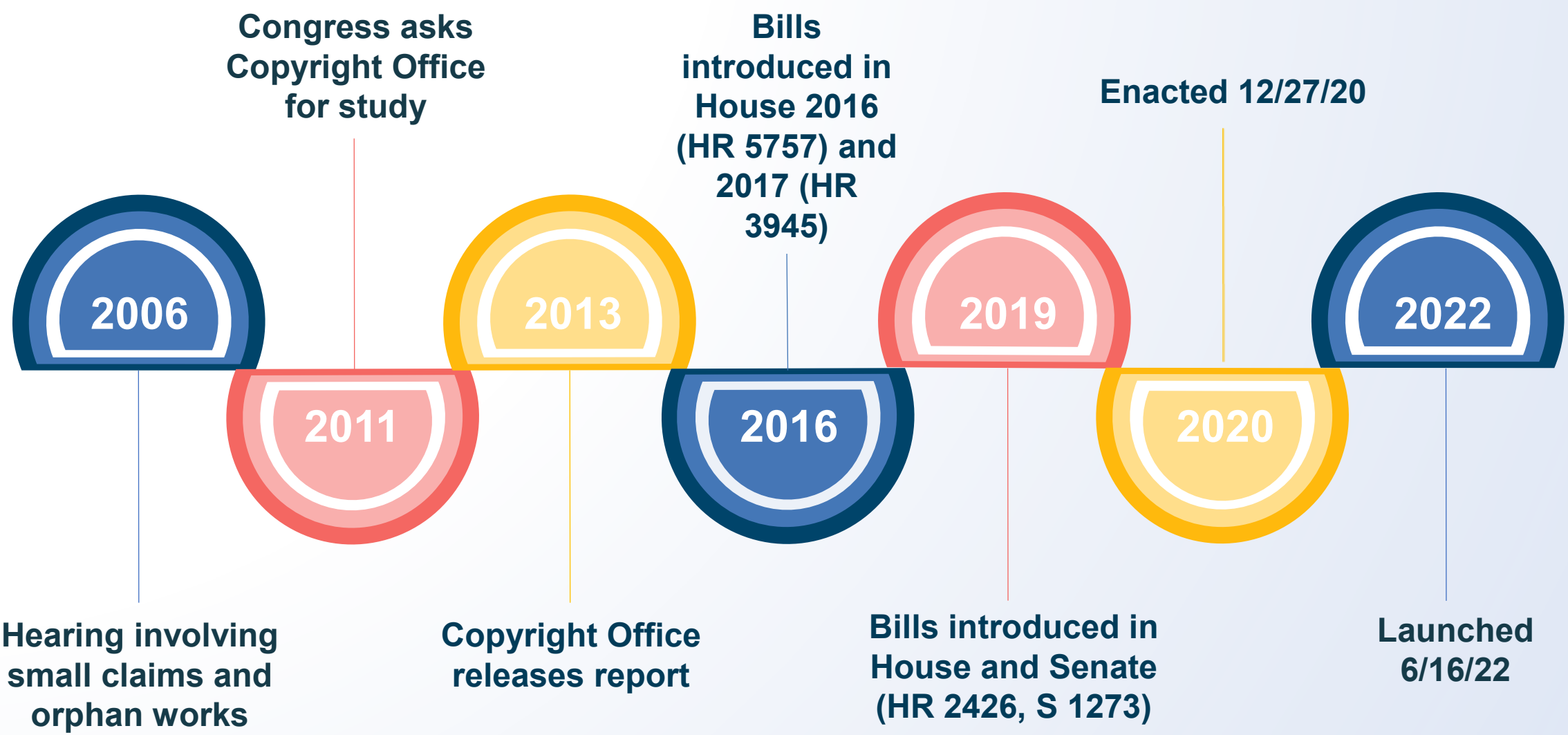
Natalie Cronin

History and Background

Problem: Many Copyright Claims Are for Small Monetary Amounts, but Federal Court Is Expensive

- Few attorneys willing to handle small claims
- Small owners felt enforcement was not worth pursuing
- Accused parties felt pressured into settlements
- Judges in small courts had little experience with copyright and juries are unpredictable

TIMELINE

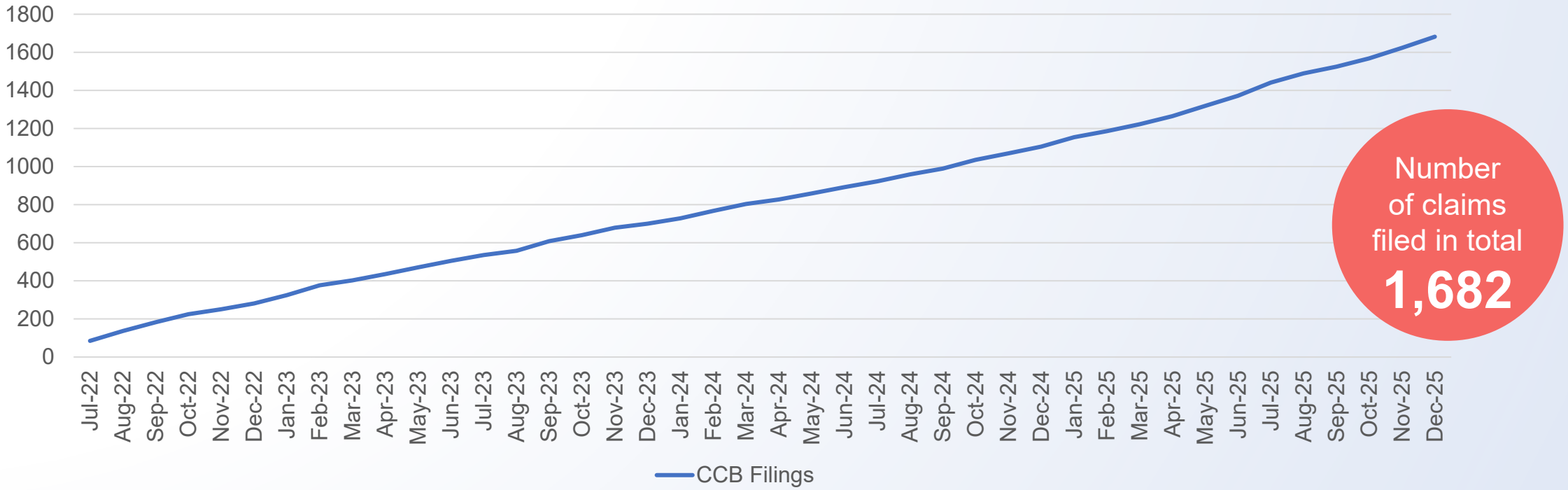

2006
Hearing involving small claims and orphan works
2011
Congress asks Copyright Office for study
2013
Copyright Office releases report
2016
Bills introduced in House 2016 (HR 5757) and 2017 (HR 3945)
2019
Bills introduced in House and Senate (HR 2426, S 1273)
2020
Enacted 12/27/20
2022
Launched 6/16/22

CLAIMS, COUNTERCLAIMS & DEFENSES

- Copyright **infringement**
- Declaration of **non-infringement** (alleged infringer asks the CCB to find that they are not infringing)
- 512(f) **misrepresentation** claims (misrepresentation in a takedown notice or counter-notice)
- All legal or equitable **defenses** that you can use in federal court, including fair use

CCB Filings

June 16, 2022 – December 31, 2025

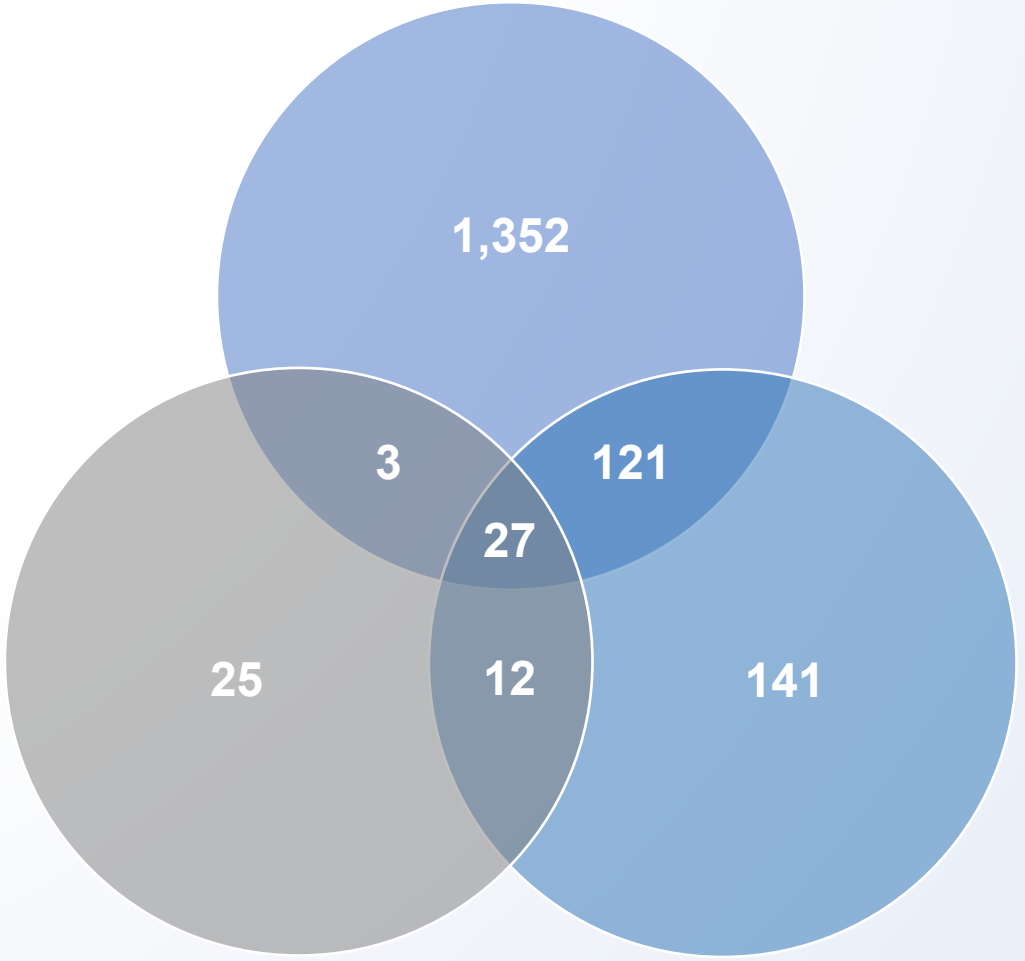


Number of claims filed in total **1,682**

Data covers period from 06/16/2022-12/31/2025

NATURE OF CLAIM

INFRINGEMENT
Total Claims: 1,503

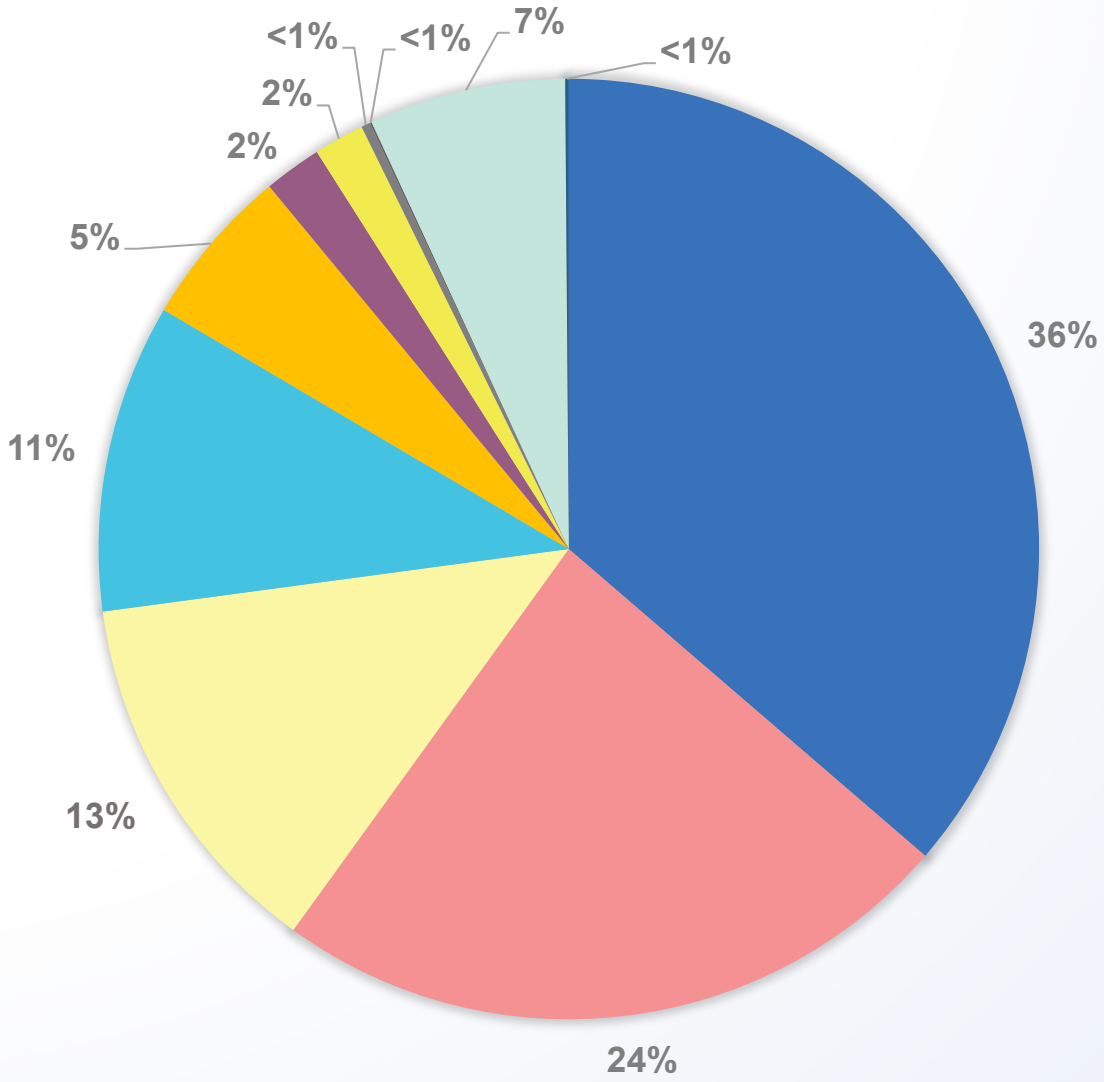


NONINFRINGEMENT
Total Claims: 67

MISREPRESENTATION
Total Claims: 301

Data covers period from 06/16/2022-12/31/2025

TYPE OF WORK AS IDENTIFIED BY THE CLAIMANT

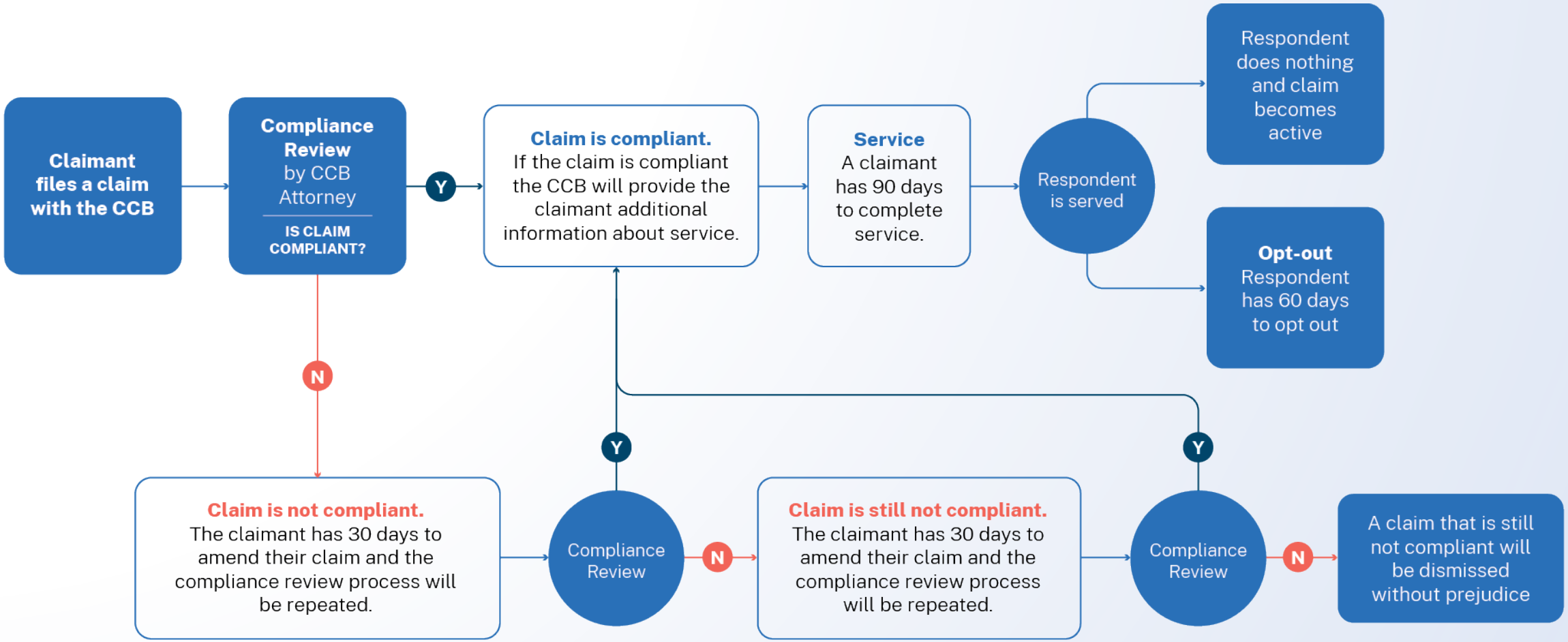


- **36%** Pictorial, Graphic, Sculptural
- **24%** Motion Picture
- **13%** Literary
- **11%** Sound Recording
- **5%** Musical
- **2%** Dramatic
- **2%** Software
- **<1%** Architectural
- **<1%** Pantomimes and Choreographic
- **7%** Other
- **<1%** Unknown

Data covers period from 06/16/2022-12/31/2025

CCB Process

INITIAL PHASE



COMPLIANCE REVIEW BIG PICTURE

592
Dismissed during compliance review

731
Compliant during compliance review

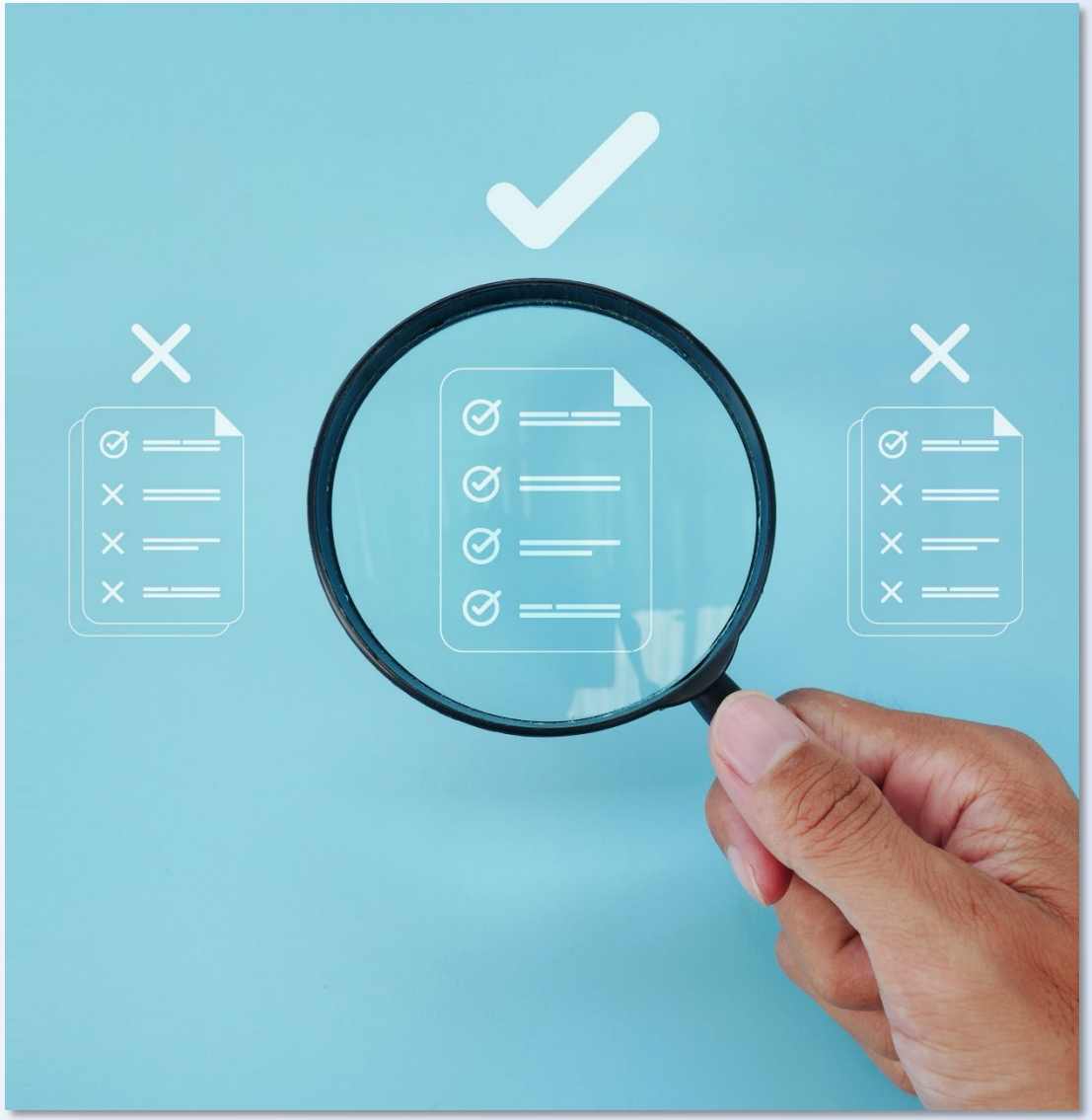
Data covers period from 06/16/2022-12/31/2025

Infringement

- Access and substantial similarity
- OSP and secondary liability
- Legal or beneficial owner
- Registration

Misrepresentation

- Misrepresentation is about copyright
- Misrepresentation is in a notice or counter notice
- Respondent is party that sent the notice or counter notice (rather than OSP)
- Harm due to misrepresentation (rather than related infringing activity)



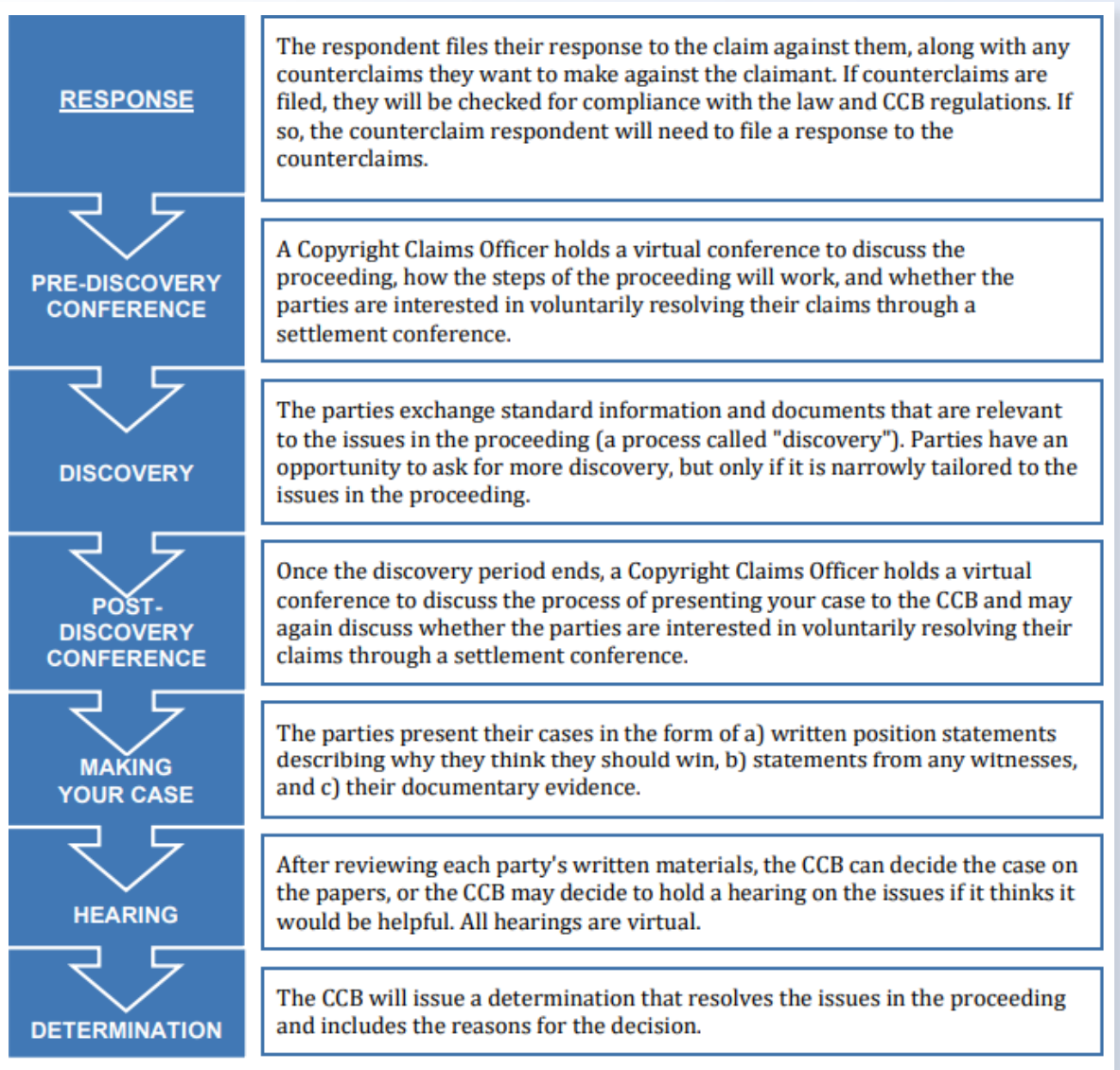
STANDARD CLAIM ACTIVE PHASE

Settlement can be accomplished at any time; the CCB will facilitate settlement conferences

There are safeguards against Defaults

DISCOVERY

- Standard interrogatories and document requests
- Can request more discovery if a specific need can be shown
- No depositions
- No third-party subpoenas
- Expert testimony rarely granted



DAMAGES

- Monetary awards **cannot exceed $30,000**.
  - Maximum **reduced to $5,000** for a smaller claims proceeding.
- For claims for infringement claimant may get:
  - Actual damages and the alleged infringer's profits attributable to infringement

OR

- Statutory damages
  - $15,000/work or $7,500/work depending on registration status

Benefits of the CCB

- Limited damages
- Lower cost due to streamlined procedures
- Lawyer is not required
- Lower risk of defaults as compared to federal court
- Close monitoring of bad faith actors
- Findings more consistent
- Impartial officers with substantial copyright experience

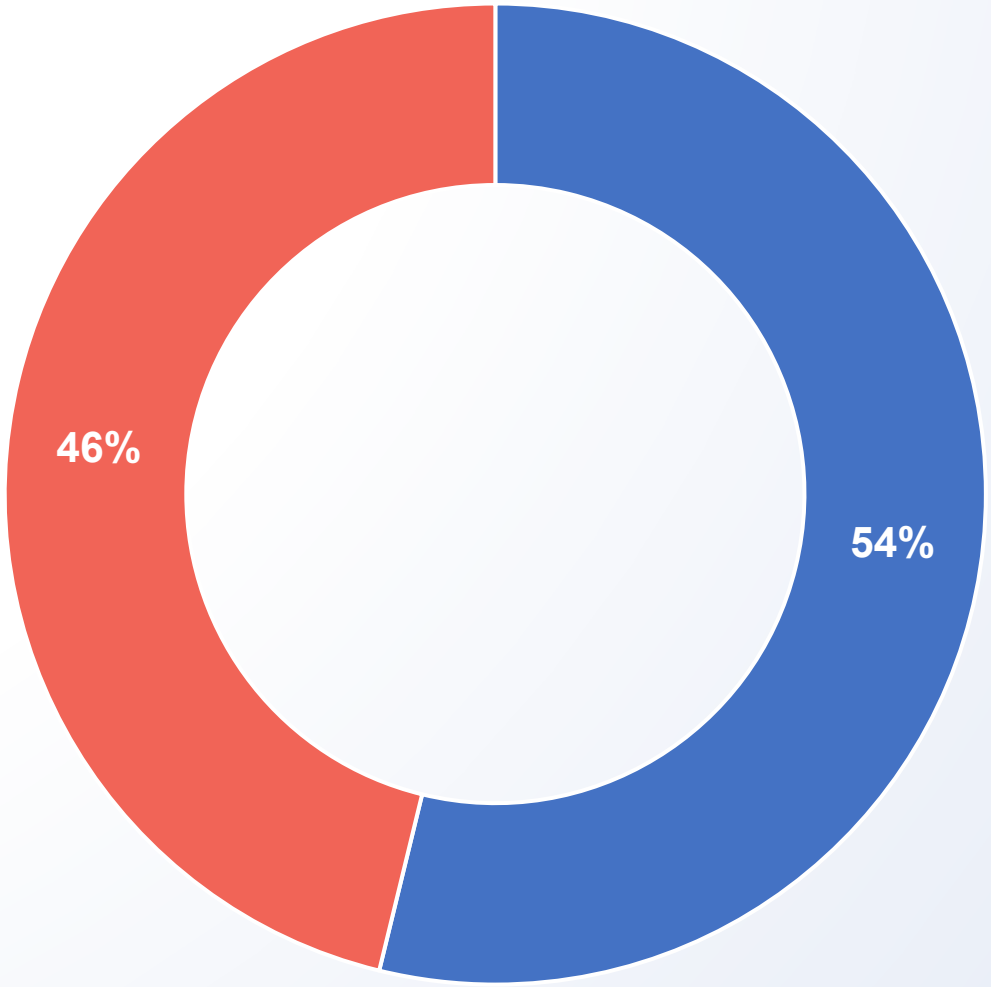
SMALLER CLAIMS

- Standard track – up to $30,000
- Smaller claims track – up to $5,000
- More streamlined than the standard track
- Less discovery
- Focus on conferences between parties and a Copyright Claims Officer
- Only the presiding Officer makes the final determination (unless there is a default by the respondent)

	Standard CCB Proceeding	Smaller Claims Proceeding
Damages	Damages are limited to $30,000 per proceeding.	Damages are limited to $5,000 per proceeding.
Managing a Proceeding	All three Copyright Claims Officers will hear the case. Two conferences will be held, one before and one after discovery. Otherwise, the Officers will only be involved during the information exchange process if asked by the parties.	One presiding Copyright Claims Officer is assigned to the case. That Officer plays an active role in managing the case.
Scope of Discovery	Parties use a standard set of written questions and requests for documents provided by the CCB. Parties may then request additional discovery if necessary. Parties may also request to use an expert witness, although such requests will rarely be granted.	Parties use the pre-discovery conference to meet with the Officer and discuss what evidence is needed to present their case. The Officer will only require discovery that is narrowly tailored to those needs. The use of expert witnesses will not be permitted.
Presenting the Case	Parties submit written arguments, evidence, and witness statements, and respond to each other's arguments. The CCB may decide the case based on written submissions or may hold a virtual hearing.	Parties submit shorter written arguments, and their evidence and witness statements, before having a "merits conference" to discuss the issues with the presiding Officer. After the conference, the Officer shares with the parties proposed findings of fact and provides the parties an opportunity to respond if they believe the Officer has gotten any of them wrong.
Making a Determination	All three Officers consider the evidence involved in the claim and make a final determination.	Only the presiding Officer makes the final determination. The only time all three Officers will do so is if there is a default by the respondent.

STANDARD-TRACK CLAIMS V. SMALLER CLAIMS

777
SMALLER CLAIMS
($5,000 monetary limit)



905
STANDARD-TRACK CLAIMS
($30,000 monetary limit)

Data covers period from 06/16/2022-12/31/2025

DISTRICT COURT REFERRALS (17 U.S.C. § 1509(b); 37 C.F.R. § 235.1)

U.S. District Courts may refer federal cases to the CCB for purposes of resolving a copyright infringement, noninfringement, or misrepresentation dispute

How to refer a case:

- Parties consent to referral
- District court issues a stay
- Parties contact CCB by email for opening a docket in eCCB
- Claimant does not pay filing fees

When a case has been referred

- The Board can amend or suspend rules for facilitating justice, fairness, and efficiency.
  - Will not suspend default, failure to prosecute, or post-determination procedures

- The Board will manage claim to a final determination or settlement and the referring court is notified that the case has been resolved.

eCCB and CCB Resources

HOW CCB TECHNOLOGY EXPANDS ACCESS TO JUSTICE

Online Case Management with eCCB

The CCB's custom-built docketing system allows parties to file, respond, and manage all case documents online–no mailing or in-person visits required.

- Participants register to manage their case entirely online.
- Public case search allows anyone to view unrestricted documents–no account needed.

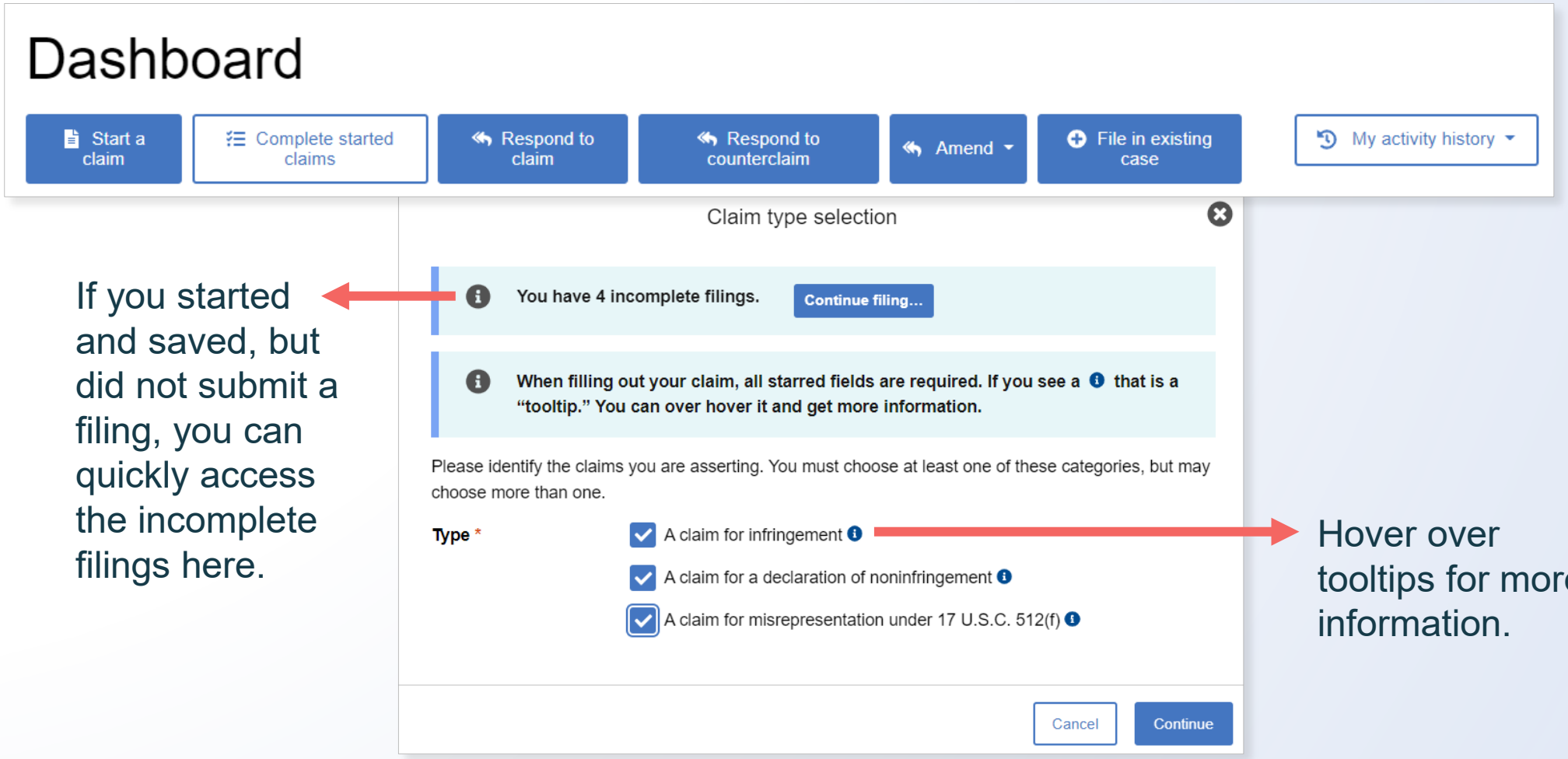
Virtual Hearings and Conferences

All hearings and settlement conferences are conducted via Zoom, ensuring participation from anywhere in the country–no travel to D.C. necessary.

Designated Service Agent Database

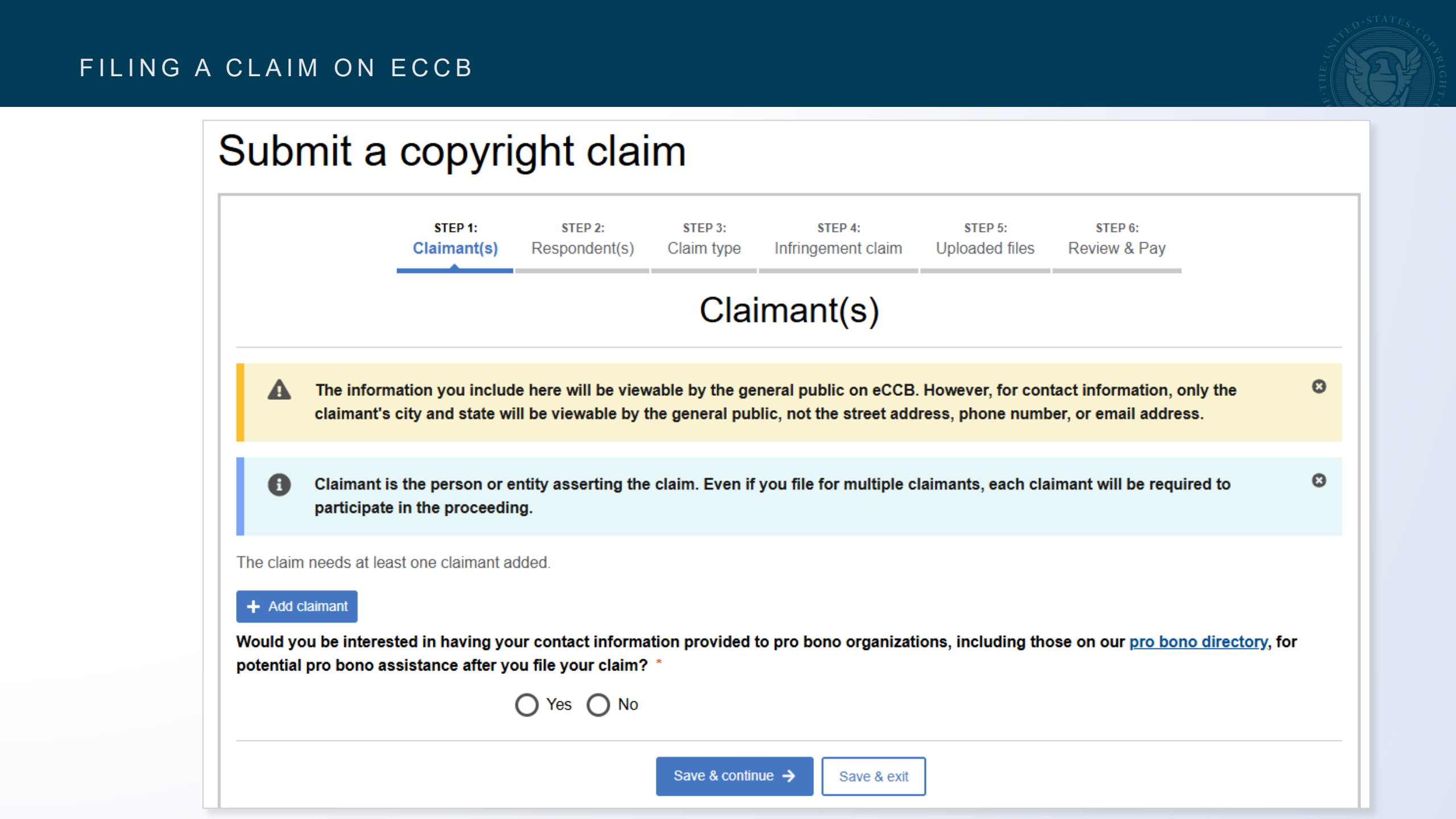
Businesses can elect to receive CCB notices via email or mail by designating a specific service agent. This centralized directory helps streamline communication and assists claimants with service of process.

FILING A CLAIM ON ECCB

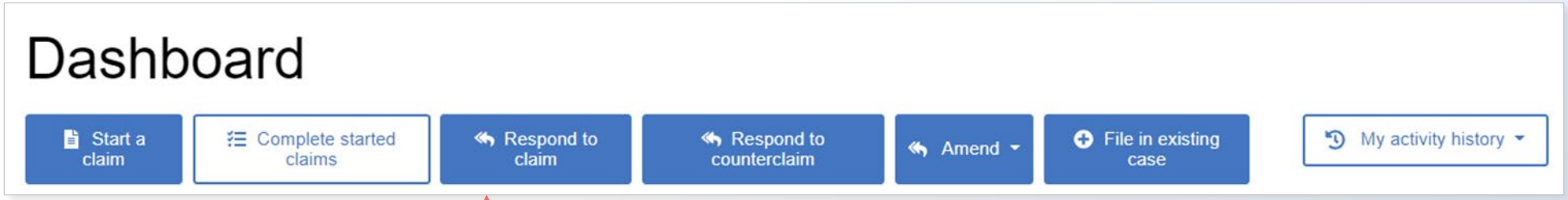


If you started and saved, but did not submit a filing, you can quickly access the incomplete filings here.

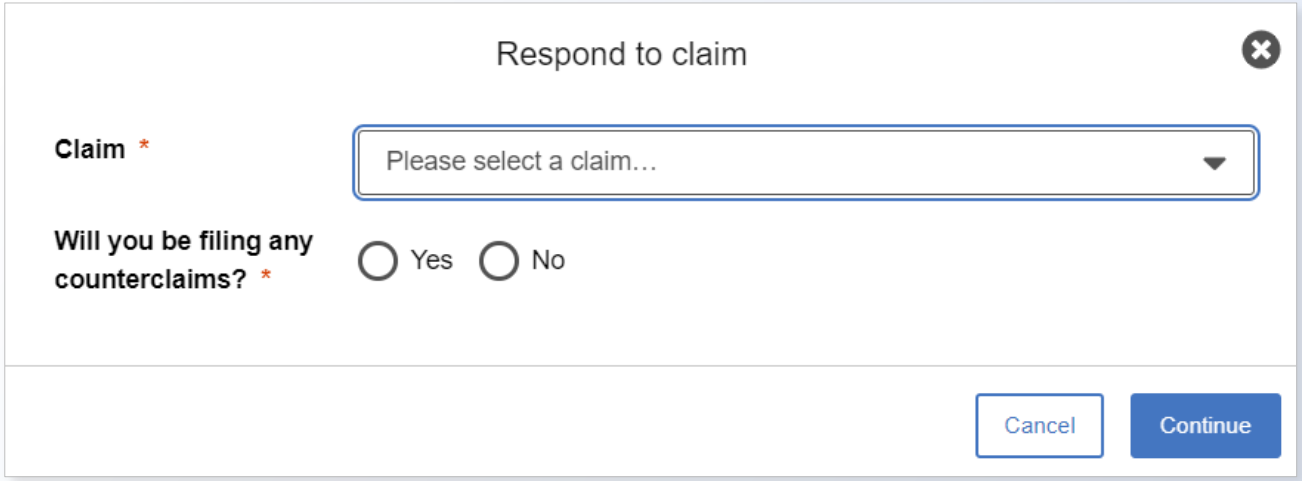
Hover over tooltips for more information.


Submit a copyright claim
STEP 1: Claimant(s)
STEP 2: Respondent(s)
STEP 3: Claim type
STEP 4: Infringement claim
STEP 5: Uploaded files
STEP 6: Review & Pay
Claimant(s)
The information you include here will be viewable by the general public on eCCB. However, for contact information, only the claimant's city and state will be viewable by the general public, not the street address, phone number, or email address.
Claimant is the person or entity asserting the claim. Even if you file for multiple claimants, each claimant will be required to participate in the proceeding.
The claim needs at least one claimant added.
+ Add claimant
Would you be interested in having your contact information provided to pro bono organizations, including those on our pro bono directory, for potential pro bono assistance after you file your claim? *
Yes
No
Save & continue →
Save & exit

RESPONDING TO A CLAIM ON ECCB



Use this button to file a response to a claim after the CCB issues a scheduling order



STEP 1: Respondent(s) | STEP 2: Defenses | STEP 3: Counterclaims | STEP 4: Infringement | STEP 5: Noninfringement | STEP 6: Misrepresentation | STEP 7: Contractual | STEP 8: Documentation | STEP 9: Review

Defenses

Dispute facts and claims *

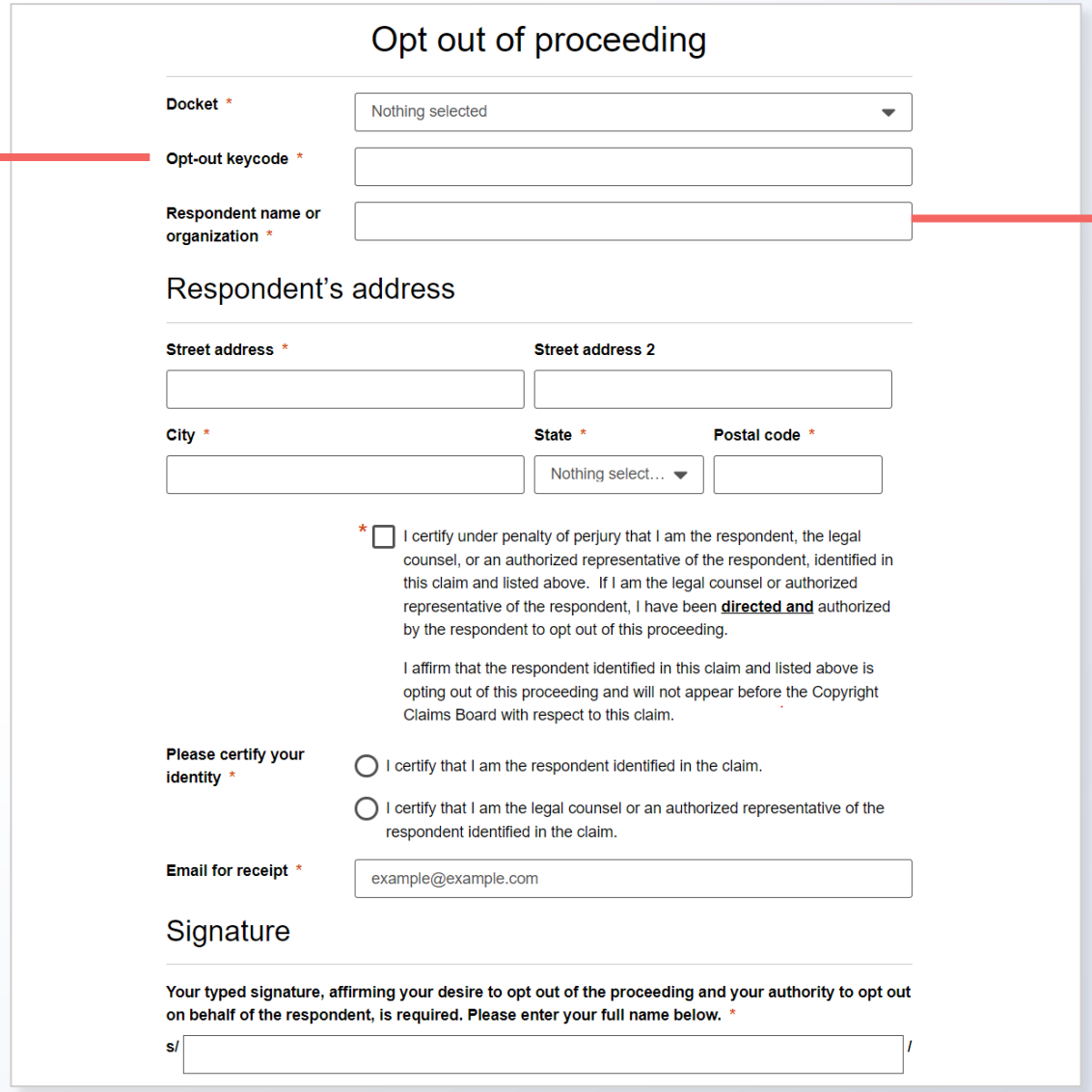
Provide a detailed statement disputing any facts or claims alleged by the claimant.

Additional defenses

In addition to your detailed statement, you may be eligible for certain additional defenses. If you believe one or more of the below situations apply, check the box and provide a detailed explanation.

OPTING OUT ON ECCB

A keycode will be provided in the Initial Notice and the Second Notice sent to the respondent



Opt out of proceeding

Docket *
Nothing selected

Opt-out keycode *

Respondent name or organization *

Respondent's address

Street address *

Street address 2

City *

State *
Nothing select…

Postal code *

* I certify under penalty of perjury that I am the respondent, the legal counsel, or an authorized representative of the respondent, identified in this claim and listed above. If I am the legal counsel or authorized representative of the respondent, I have been **directed and** authorized by the respondent to opt out of this proceeding.

I affirm that the respondent identified in this claim and listed above is opting out of this proceeding and will not appear before the Copyright Claims Board with respect to this claim.

Please certify your identity *
- I certify that I am the respondent identified in the claim.
- I certify that I am the legal counsel or an authorized representative of the respondent identified in the claim.

Email for receipt *
example@example.com

Signature

Your typed signature, affirming your desire to opt out of the proceeding and your authority to opt out on behalf of the respondent, is required. Please enter your full name below. *

s/ /

If there are multiple respondents in one claim, each respondent will receive their own keycode to opt out

Website and Handbook

The CCB has its own website, which has the following information:

- Portal to eCCB
- Designated Service Agent Database
- Libraries and Archives Opt-Out List
- Handbook (**ccb.gov/handbook**)
- Educational resources, graphics, and tutorials
- Regulations (**ccb.gov/rulemakings**)

CCB Pro Bono Program

The claim was dismissed because…

• the claimant didn't amend in compliance review or filed a noncompliant second amended claim.	**592**
• the claimant didn't file a valid proof of service or waiver. (notified of settlement in **8** cases)	**253**
• the claimant requested to withdraw or dismiss (notified of settlement in **135** cases)	**267**
• the respondent(s) opted-out.	**152**
• registration was refused or the registration file was closed.	**29**
• the claim was unsuitable for CCB determination	**97**
• other reasons for dismissal	**51**
Total number of dismissals:	**1,441**

Data covers period from 06/16/2022-12/31/2025

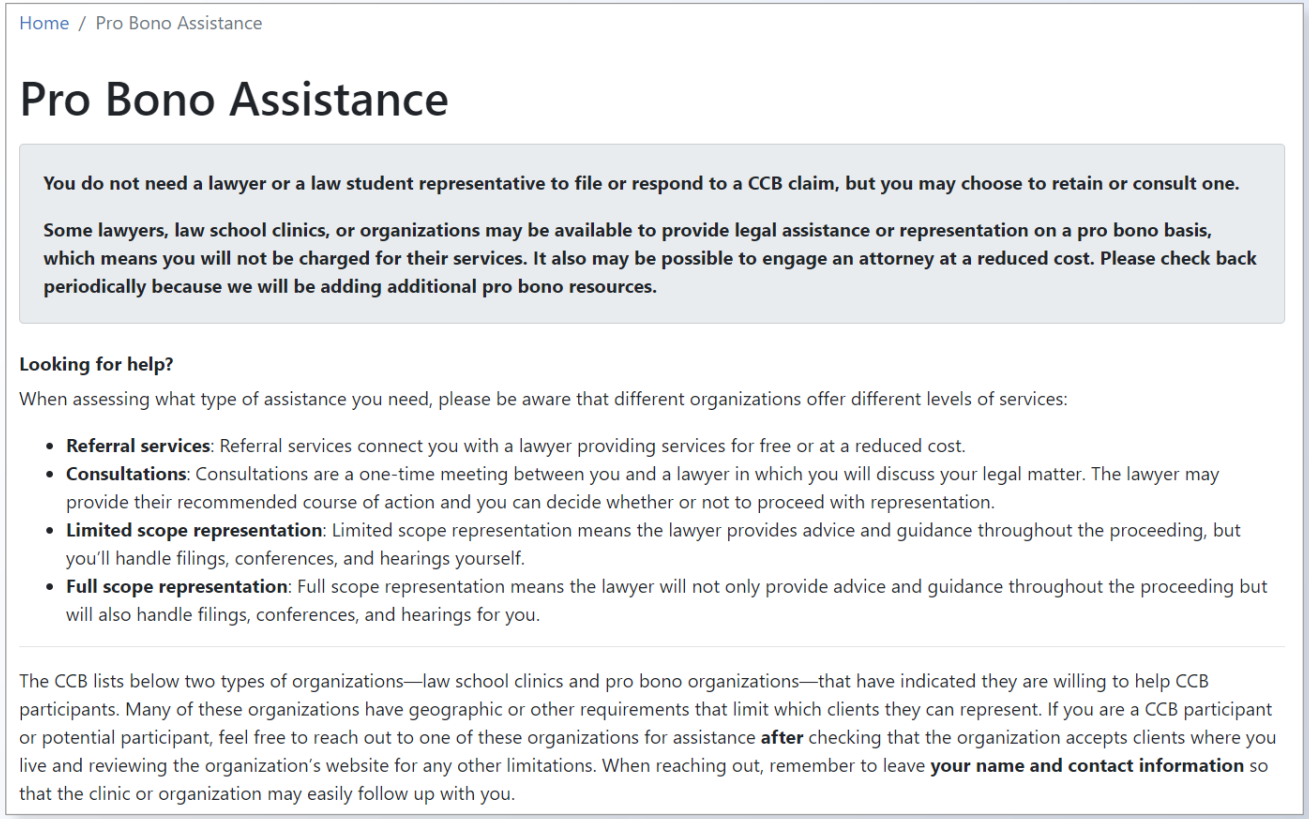
Areas where a volunteer attorney or law student's assistance may be helpful:

- Registration
- Claim strategy
- Deciding whether to file a Smaller Claim
- Service
- Deciding to opt out
- Discovery and gathering evidence
- Preparing and submitting written testimony and witness statements
- Appearing at conferences and hearings
- Preparing a request for reconsideration

PRO BONO DIRECTORY

The CCB has a webpage dedicated to guiding participants who may want help from an attorney.

- Outlines the types of representation available
- Law Student Representation Directory and Pro Bono Assistance List
  - Contact information
  - Geographic area the organization or clinic serves
  - Law clinics provide additional information about their experience



Home / Pro Bono Assistance

Pro Bono Assistance

You do not need a lawyer or a law student representative to file or respond to a CCB claim, but you may choose to retain or consult one.

Some lawyers, law school clinics, or organizations may be available to provide legal assistance or representation on a pro bono basis, which means you will not be charged for their services. It also may be possible to engage an attorney at a reduced cost. Please check back periodically because we will be adding additional pro bono resources.

Looking for help?

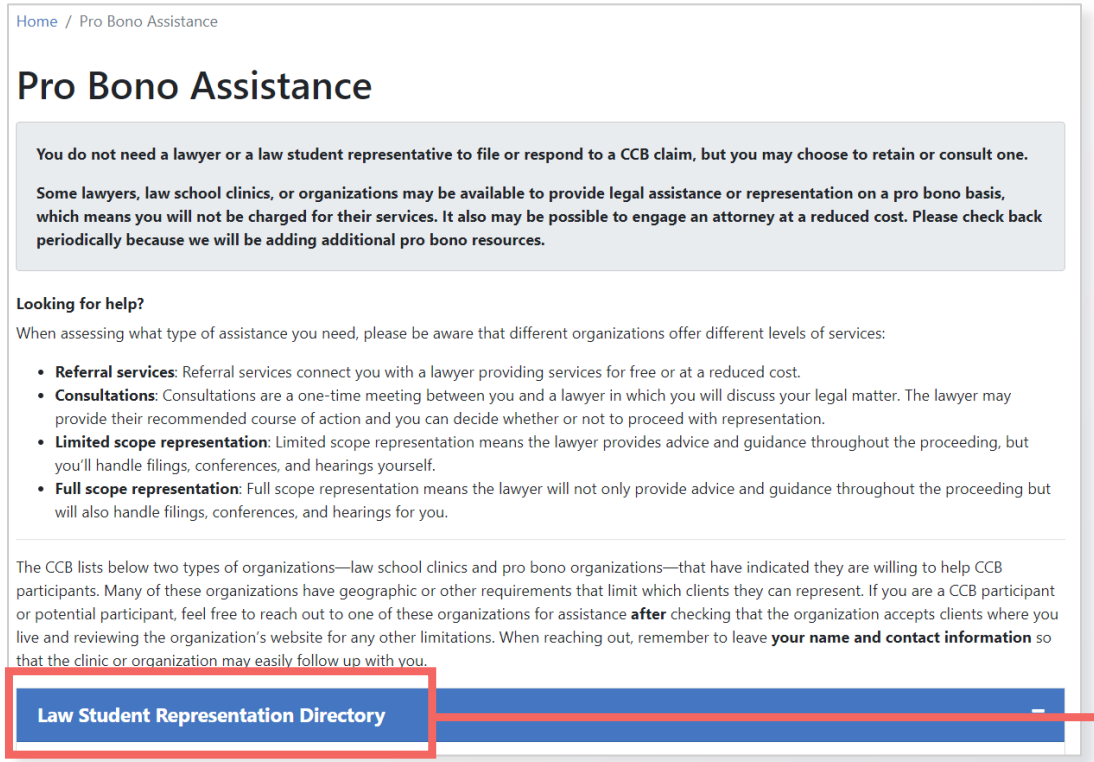
When assessing what type of assistance you need, please be aware that different organizations offer different levels of services:

- **Referral services**: Referral services connect you with a lawyer providing services for free or at a reduced cost.
- **Consultations**: Consultations are a one-time meeting between you and a lawyer in which you will discuss your legal matter. The lawyer may provide their recommended course of action and you can decide whether or not to proceed with representation.
- **Limited scope representation**: Limited scope representation means the lawyer provides advice and guidance throughout the proceeding, but you'll handle filings, conferences, and hearings yourself.
- **Full scope representation**: Full scope representation means the lawyer will not only provide advice and guidance throughout the proceeding but will also handle filings, conferences, and hearings for you.

The CCB lists below two types of organizations—law school clinics and pro bono organizations—that have indicated they are willing to help CCB participants. Many of these organizations have geographic or other requirements that limit which clients they can represent. If you are a CCB participant or potential participant, feel free to reach out to one of these organizations for assistance **after** checking that the organization accepts clients where you live and reviewing the organization's website for any other limitations. When reaching out, remember to leave **your name and contact information** so that the clinic or organization may easily follow up with you.

ccb.gov/pro-bono-assistance/

PRO BONO DIRECTORY



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Law Student Representation Directory −

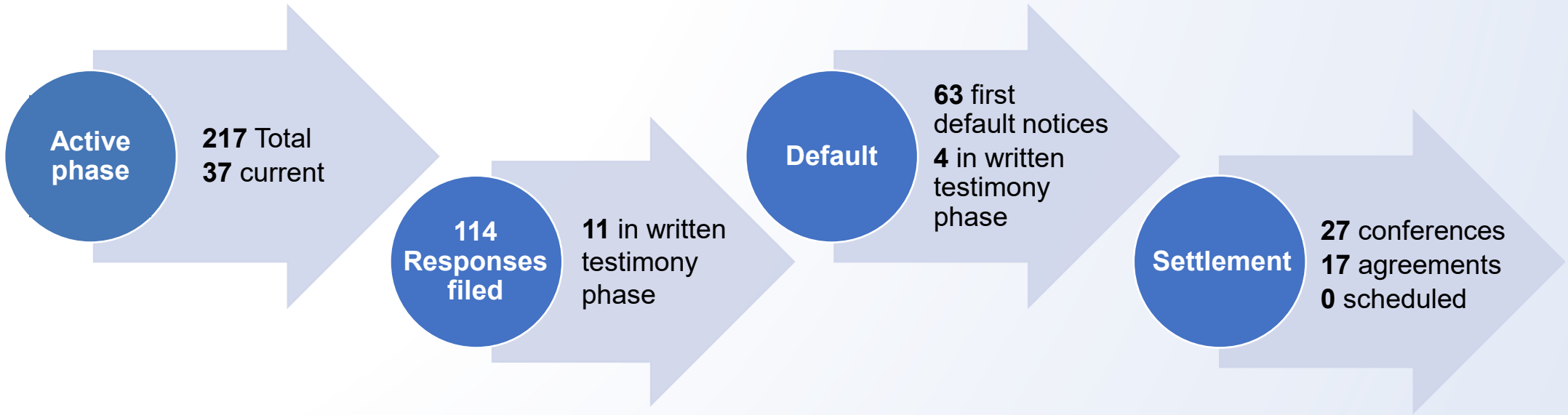
ccb.gov/pro-bono-assistance/

Law Student Representation Directory −

Organization Name	Geographic Area the Clinic Serves	Contact Name	Email Address	Phone Number	Public Directory Information Form	Areas of Assistance	Website
University of Alabama, Entrepreneurship & Nonprofit Clinic	Alabama (AL)	Frederick Spight	fspight@ua.edu	(205) 348-4960	Download form	Referral Services and Consultations	Clinic Website
Southwestern Law School, Entertainment and the Arts Legal Clinic	California (CA)	Orly Ravid	oravid@swlaw.edu	(213) 738-6602	Download form	Consultations	Clinic Website
University of Miami Startup Clinic	Florida (FL)	Jaime Vining	JRV@friedlandvining.com	(305) 777-1721	Download form	Referral Services, Consultations	Clinic Website
UMKC Entrepreneurial and Intellectual Property Legal Services Clinic	Kansas (KS) and Missouri (MO)	Danielle A. Merrick	elsclinic@umkc.edu	(816) 235-6341	Download form	Referral Services, Consultations, Limited Scope Representation	Clinic Website

Statistics

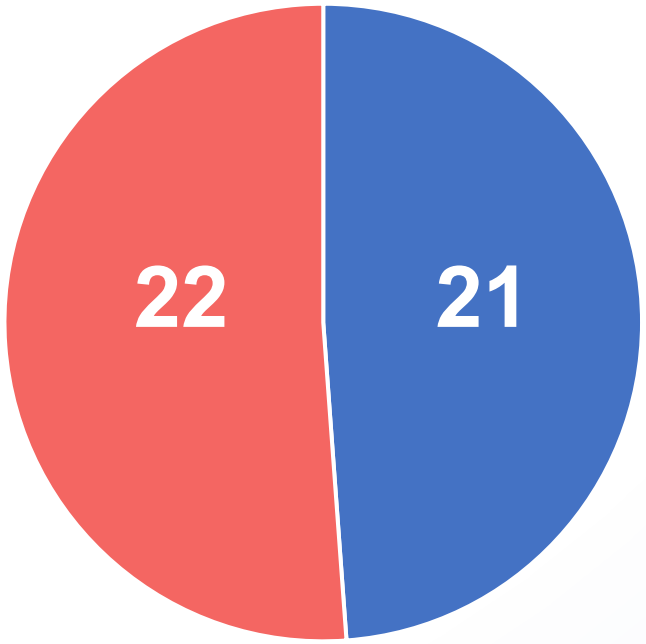
PROGRESS OF ACTIVE CASES



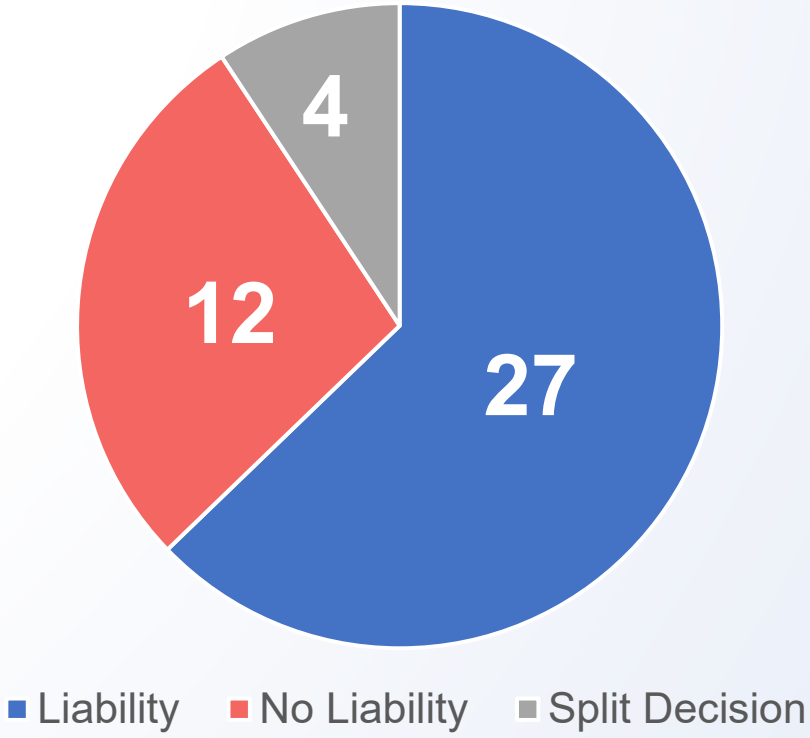
Data covers period from 06/16/2022-12/31/2025

FINAL DETERMINATIONS

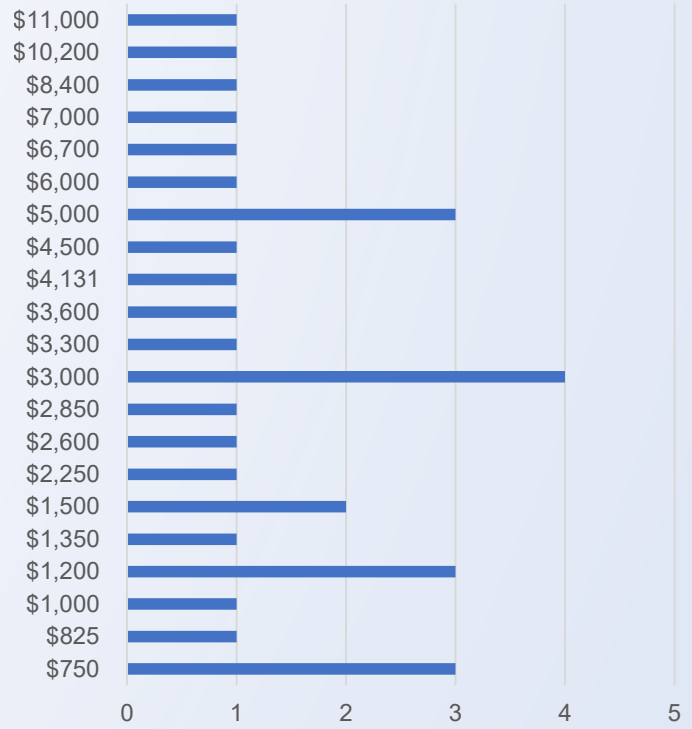
Final Determinations



Results



Awards



Split Decisions

- Not all respondents liable: 2
- Respondent not liable on all claims: 1
- Not all respondents liable and not on all works: 1

Data covers period from 06/16/2022-12/31/2025

CLAIMANT REPRESENTATION

1,121
Self-represented individuals

281
Represented by attorney (outside counsel)

274
In-house attorney or authorized company representative

4
Law student representative

Data covers period from 06/16/2022-12/31/2025

RESPONDENT REPRESENTATION

42
Self-represented individuals

51
Represented by attorney (outside counsel)

42
In-house attorney or authorized company representative

2
Law student representative

Data covers period from 06/16/2022-12/31/2025

STATE OF RESIDENCE OF CLAIMANT – U.S.A

California	312
New York	151
Texas	120
Florida	95
Pennsylvania	84
Washington	49
North Carolina	48
Georgia	46
Nevada	39
Indiana	38
Maryland	35
Colorado	34
Oregon	33
Virginia	33

Delaware	32
Illinois	30
Connecticut	29
Michigan	29
Kansas	27
Tennessee	26
Ohio	25
Arizona	22
New Jersey	22
Louisiana	21
Oklahoma	20
Wisconsin	17
Missouri	17
Massachusetts	16

Wyoming	12
South Carolina	12
Idaho	11
Utah	10
Mississippi	9
Nebraska	9
Washington, DC	9
Kentucky	8
Minnesota	8
Puerto Rico	5
Alabama	5
Arkansas	5

New Hampshire	5
Montana	4
New Mexico	4
Rhode Island	4
Alaska	3
South Dakota	3
Iowa	2
Maine	2
North Dakota	2
West Virginia	2
Vermont	1
Hawaii	1

Data covers period from 06/16/2022-12/31/2025

COUNTRY OF RESIDENCE OF CLAIMANT – INTERNATIONAL

United Kingdom	54
Canada	21
Ukraine	18
Germany	18
China	18
Australia	8
Ireland	6
Belgium	5
Hungary	5
Israel	4
Malaysia	4
Mexico	4
Turkey	4
United Arab Emirates	4
U.S. Minor Outlying Islands	4

Argentina	3
Georgia	3
Singapore	3
South Korea	3
India	3
France	3
Netherlands	3
Pakistan	3
Thailand	3
Vietnam	2
Czech Republic	2
Belarus	2
Estonia	2
Norway	2
Portugal	2
Romania	2

Switzerland	2
Guatemala	2
Austria	1
Brazil	1
Cambodia	1
Finland	1
Latvia	1
Kazakhstan	1
Poland	1
Russia	1
Sweden	1
Italy	1
South Africa	1
Iran	1

Spain	1
Ethiopia	1
Seychelles	1

Data covers period from 06/16/2022-12/31/2025

Thank you!

Questions?

Asktheboard@ccb.gov