

**Before the  
U.S. COPYRIGHT OFFICE  
LIBRARY OF CONGRESS  
Washington, D.C.**

**In the Matter of CASE Act Study**

**Docket No. 2025–2**

**Submitted: June 18, 2025**

**COMMENTS OF THE  
MOTION PICTURE ASSOCIATION, INC.**

The Motion Picture Association, Inc. (“MPA”) appreciates the opportunity to submit the following comments in response to the Notice of Inquiry and Request for Comments (“NOI”) regarding the Copyright Office’s study of the use and efficacy of the Copyright Claims Board (“CCB”).<sup>1</sup>

MPA is a not-for-profit association founded in 1922 to address issues of concern to the motion picture industry. Over its more than 100-year history, MPA has grown to become the premier global advocate of the film, television, and streaming industry. MPA’s members are: Amazon Studios LLC; Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; and Warner Bros. Entertainment Inc. MPA’s members and their affiliates are the world’s leading producers and distributors of filmed entertainment in the theatrical, television, and home-entertainment markets.

MPA and its members commend the Copyright Office for its successful launch of the CCB and for the milestone that this NOI, which marks nearly three years of operation, represents. To create and implement a brand-new forum from the ground up is no small feat and is undoubtedly the result of the hard work and dedication by Copyright Office and CCB staff.

The CCB, in providing a voluntary, streamlined alternative forum for resolving low-dollar copyright disputes, plays a valuable role in the broader copyright enforcement landscape. As a voluntary system, claimants have the option to choose whether the CCB is their preferred forum for adjudicating a particular copyright dispute, while respondents can likewise choose whether to participate or opt out of a proceeding. As of March 2025, the CCB has facilitated at least 94 settlements<sup>2</sup> and 35 final determinations.<sup>3</sup> These numbers represent disputes that would likely have gone unresolved without the CCB. And contrary to conjecture by skeptics who predicted that most respondents would opt out, rendering the CCB of limited utility, respondents

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<sup>1</sup> CASE Act Study, 90 Fed. Reg. 11625 (Mar. 10, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-03-10/pdf/2025-03795.pdf>.

<sup>2</sup> According to statistics compiled by the CCB, in March 2025, there were an additional 99 requests to withdraw claims, for which settlement status was unknown. *See* U.S. COPYRIGHT OFF., COPYRIGHT CLAIMS BD., KEY STATISTICS AND FAQs 2 (2025), <https://ccb.gov/CCB-Statistics-and-FAQs-April-2025.pdf>.

<sup>3</sup> *Id.*

have opted out of only about 43% of proceedings.<sup>4</sup> This demonstrates that claimants and respondents alike recognize the benefits of the CCB. Even where a respondent chooses to opt out of a proceeding or a claim is ultimately rejected by the CCB as non-compliant, the CCB provides helpful feedback and information throughout the process, which in turn helps fulfill the Office’s important role in educating the public about copyright law. Moreover, this data does not reflect the volume of settlements that go undisclosed to the CCB and therefore cannot be accounted for in statistics.<sup>5</sup> The mere existence of a forum where relatively small-dollar claims can be resolved quickly and efficiently itself facilitates settlements on terms that provide fair compensation for copyright owners whose works are infringed. Prior to the establishment of the CCB, there was typically no realistic threat of litigating such small claims; now, with the CCB, there is.

While designed primarily to meet the needs of individuals and small businesses, the CCB also provides an attractive option for any rightsholder or user seeking redress for a low-dollar copyright claim for which federal court may be cost-prohibitive. Some of MPA’s members, for example, have brought cases before the CCB and report finding the system to be a useful avenue for enforcing their rights.

As the Office evaluates ways to enhance the CCB’s use and efficiency, we suggest it consider broadening the scope of permissible claims to allow residents of the United States to bring claims against non-residents. Presently, non-residents are permitted to initiate proceedings against U.S. residents before the CCB; however, the inverse is not allowed.<sup>6</sup> We believe that parity in this regard is important, especially because copyrighted works are routinely distributed online in virtually every industry—by rightsholders of all types and sizes—making those works as susceptible to infringement by non-residents as by those located in the U.S. If claims may be brought against U.S. residents by those residing outside of the United States, the inverse should also be permitted.

This issue is especially apparent in the context of the notice-and-takedown process of the Digital Millennium Copyright Act (“DMCA”). Under the DMCA, when infringing material is removed pursuant to a takedown notice, the alleged infringer must consent to jurisdiction in United States federal court (and agree to receive service of process from the notice-sender) in order to send a counternotice and have that material put back up.<sup>7</sup> However, the CASE Act’s prohibition on claims against non-residents means a claim against a counternotice sender that resides outside of the U.S. cannot be brought in the CCB, despite the counternotice sender’s consent to personal jurisdiction in the United States. This result runs counter to the spirit of the CASE Act and the law’s relationship with the DMCA as envisioned by Congress.<sup>8</sup>

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<sup>4</sup> This is an approximation based on available data in the eCCB docket at [dockets.ccb.gov](https://dockets.ccb.gov). This number was derived by dividing the number of opt outs by the total sum of opt outs plus the number of “active proceedings.”

<sup>5</sup> In some cases, parties may reach a settlement and, as a result, the claimant may withdraw the claim or the respondent may opt out of the proceeding. Those settlements would be reflected in the data as “withdrawals” or “opt outs.” Likewise, parties may be able to reach settlements in cases that are never actually filed in the CCB simply because the threat of legal action in the CCB encourages parties to come to the table. These types of settlements also would not be reflected in the data.

<sup>6</sup> See 17 U.S.C. § 1504(d)(4).

<sup>7</sup> *Id.* § 512(g)(3)(D).

<sup>8</sup> See U.S. COPYRIGHT OFF., COPYRIGHT SMALL CLAIMS: A REPORT OF THE REGISTER OF COPYRIGHTS 104 (2013), <https://www.copyright.gov/docs/smallclaims/usco-smallcopyrightclaims.pdf> (“[T]he Office recommends that ... proceedings before [a smalls claims system] should qualify to prevent the reposting of removed material pursuant to

In enacting the CASE Act, Congress was clear that it intended for the CCB to be a forum for adjudicating disputes related to the DMCA’s section 512 notice-and-takedown process. In addition to explicitly permitting misrepresentation claims under section 512(f)<sup>9</sup> and stipulating that a duty of the CCB attorneys is to provide information to potential claimants about obtaining a subpoena under section 512(h),<sup>10</sup> the CASE Act provides that a claim filed before the CCB qualifies as “an action seeking a court order” under section 512(g)(2)(C).<sup>11</sup> Nevertheless, under the existing statute, a rightsholder based in the U.S. cannot bring an infringement claim in the CCB against a non-resident counternotice sender that has consented to jurisdiction in the U.S., but that same counternotice sender *can* bring its own claim before the CCB if it so chooses.

To resolve this disparity, we suggest that the CASE Act be amended to permit claims relating to the underlying alleged infringing activity at issue within a DMCA takedown notice and counternotice against non-residents that submitted such DMCA counternotices, having thereby consented to personal jurisdiction in the United States and agreed to receive service of process. To be clear, we do not suggest that the consent necessary for sending a counternotice will suffice as consent to participating before the CCB, since the CCB is not an Article III court. We mention the statement of consent to jurisdiction simply to demonstrate that the change we suggest is consistent with the spirit and intent of the DMCA’s counternotice provision as well as the spirit of the CASE Act in providing an efficient forum for resolving disputes related to infringing activity that is the subject of DMCA notices. A non-resident would still need to be served per the requirements of the CASE Act and have the ability to choose whether to participate. Notably, the agreement to accept service of process in the counternotice may suffice for the purposes of the CCB since the CCB’s service requirements mirror the requirements of the Federal Rules of Civil Procedure (though the CASE Act would need to be amended to permit service of process in a foreign country and allow the Register of Copyrights to promulgate the necessary regulations).

As it stands, the CASE Act already permits “claims” (in the form of counterclaims) against foreign respondents that consent to the jurisdiction of the CCB by first bringing a claim before the CCB. In that sense this proposal is consistent with, and would merely complement, the existing framework. Amending the CASE Act to permit non-residents to consent to proceedings before the CCB as respondents would simply facilitate the ability of rightsholders and users that avail themselves of the DMCA to likewise avail themselves of the low-cost, streamlined process afforded by the CCB for resolving related disputes.<sup>12</sup>

Additionally, it is critical that section 1507(d) of the CASE Act *not* be amended to require that a claim first undergo compliance review in order to qualify as “an action seeking a court order” under section 512(g)(2)(C) of the DMCA, as suggested by CCIA.<sup>13</sup> Since this

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section 512(g). These infringement-related matters can be quite frustrating for those involved and exceptionally uneconomical to litigate in federal court. The Office therefore believes that the ability to address takedown-related disputes through a streamlined proceeding would provide significant benefits for both copyright owners and online users.”)

<sup>9</sup> 17 U.S.C. § 1504(c)(3).

<sup>10</sup> *Id.* § 1503(a)(2).

<sup>11</sup> *Id.* § 1507(d).

<sup>12</sup> A statutory amendment may be necessary to clarify that submission of a counternotice establishes consent to personal jurisdiction in the CCB, as it does in federal court.

<sup>13</sup> CCIA Comments on Copyright Alternative in Small-Claims Enforcement Act of 2020 (“CASE”) Act Study, Docket No. 2025-2 (May 2025), <https://www.regulations.gov/comment/COLC-2025-0002-0015>.

provision in the CASE Act was designed to ensure parity between claims filed in federal court and in the CCB for the purpose of preventing infringing material from being reposted pursuant to a DMCA counternotice,<sup>14</sup> CCB claims should be sufficient to prevent such reposting as soon as they are filed, as is the case for claims filed in federal court. This is especially important given the limited window of time, 10-14 days, in which a rightsholder has to file a copyright infringement claim to prevent the infringing material from being reposted. There is no guarantee that the claim will undergo compliance review quickly enough to ensure timeliness.

By establishing the CCB, the CASE Act provides a real solution to a well-documented problem faced by small businesses and individual creators, while also holding out the promise, more broadly, of greater efficiencies for resolving copyright disputes for rightsholders and users of all types and sizes. Our members are pleased overall with their experiences with the CCB to date and hope to see the system continue to improve under the leadership of the Copyright Office. We are happy to work with the Office to discuss specific proposals to allow claims against non-resident counternotice senders and to provide feedback on other proposals the Office might be considering.

Respectfully submitted,

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<sup>14</sup> See U.S. COPYRIGHT OFF., *Supra* note 8.