

## The Copyright Claims Board: What Everyone Needs to Know

---

By *Liz Hamilton and Karen Gutzman*

In early 2022, the newly created U.S. Copyright Claims Board (CCB) was established as part of the CASE Act passed by Congress in 2020. The CCB enables people to bring a case against anyone they feel has infringed on their copyright (usually through something the other person has uploaded, reproduced, published, created, distributed, performed, or displayed) with judgments capped at \$30,000. The U.S. Copyright Office is still creating the rules that implement this new law, so the information will evolve.

Liz Hamilton, the Copyright Librarian at NUL has created a helpful guide, [The Copyright Claims Board: Small Claims](#), with guidance from the Northwestern University Office of General Counsel.

---

### How does the Copyright Claims Board impact me?

The CASE Act was passed by Congress in 2020 to provide creators with an alternative process to the highly expensive and time consuming process involved with federal litigation of a copyright infringement case. Now a three-member tribunal called the Copyright Claims Board (CCB) within the U.S. Copyright Office will handle small copyright claims. This less formal, streamlined process may mean an increase in copyright infringement challenges and highlights the importance of remaining vigilant about our own practices of re-using materials ([source](#)).

---

### What should I do if I receive a notice?

The general advice is that if you receive notice that a claim is filed against you, and you are a Northwestern student, staff, or faculty member, and the claim is related to what you do at Northwestern, promptly contact Northwestern's [Office of General Counsel](#).

If you ignore it and do nothing, the case will proceed in the CCB, and a default judgment can be entered against you. This means that the CCB can enter a judgment holding you responsible for all the damages claimed in the notice (up to \$30,000), regardless of whether the assertions are true or whether you could have claimed any defenses.

---

### What is copyright?

As summarized by the [U.S. Copyright Office](#), "copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression."

Faculty, staff and students are copyright owners because they create and fix many different types of works\* that are protected by copyright law, including presentations, educational materials, handouts, blog posts, books, research articles, sound recordings, illustration, photographs, and so much more.

*\*published materials may be impacted by a copyright transfer agreement*

---

### What rights belong to a copyright owner?

[U.S. copyright law](#) provides copyright owners with the following exclusive rights:

- Reproduce the work in copies.
  - Prepare derivative works based upon the work.
  - Distribute copies of the work to the public by sale, rental, lease, or lending.
  - Perform the work publicly.
  - Display the work publicly.
- 

### Do I own the copyright?

Copyright can be transferred away from the creator to another entity. US copyright law allows employers to claim the copyright of works created by an employee within the scope of their employment. However, the Northwestern University [copyright policy](#) does not claim the copyright of work created by faculty members or students, and instead recognizes the freedom of the University academic community to create and disseminate their works.

Another way that copyright can be transferred is in the publishing process. Publishers of books, journal articles, and other items created by Northwestern affiliates may require the creator to transfer their copyright to the publisher by signing a copyright transfer agreement. These agreements can vary, some transferring all rights to the publisher, while others allow the author to retain specific rights.

---

## Can I share my works or re-use works that are under copyright?

You can re-use copyrighted works if you have the permission of the copyright owner or if your use falls under an exception in the law, like [fair use](#). Many publishers use a company, such as the [Copyright Clearance Center](#), to handle copyright requests, licenses for re-use, and payments for re-use.

Copyright owners can apply a [Creative Commons License](#) (or other license) to their work that gives general permission for the display, public performance, reproduction, and distribution of a work while also providing copyright owners with four optional restrictions: attribution, non-commercial use, no derivative works, or permitting derivative works.

---

## What does it mean to infringe copyright?

According to the [U.S. Copyright Office](#), copyright infringement “occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner.”

---

## Where can I get more information?

Liz Hamilton, the Copyright Librarian at Northwestern University Libraries has created a helpful guide, [The Copyright Claims Board: Small Claims](#), with guidance from the Northwestern University Office of General Counsel.

---

Printed: Thursday, June 27, 2024 11:45 AM

Source: <https://galter.northwestern.edu/news/the-copyright-claims-board-what-everyone-needs-to-know.pdf>