

(f)(1)(B), (5)(A)(ii), (B)(i), (ii), and (J)(2), is the date of enactment of Pub. L. 115–264, which was approved Oct. 11, 2018.

The year in which this section is enacted, referred to in subsec. (d)(2)(B), is the year in which Pub. L. 115–264 was enacted. Such Act was approved Oct. 11, 2018.

CHAPTER 15—COPYRIGHT SMALL CLAIMS

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§ 1501. Definitions

In this chapter—

(1) the term “claimant” means the real party in interest that commences a proceeding before the Copyright Claims Board under section 1506(e), pursuant to a permissible claim of infringement brought under section 1504(c)(1), noninfringement brought under section 1504(c)(2), or misrepresentation brought under section 1504(c)(3);

(2) the term “counterclaimant” means a respondent in a proceeding before the Copyright Claims Board that—

(A) asserts a permissible counterclaim under section 1504(c)(4) against the claimant in the proceeding; and

(B) is the real party in interest with respect to the counterclaim described in subparagraph (A);

(3) the term “party”—

(A) means a party; and

(B) includes the attorney of a party, as applicable; and

(4) the term “respondent” means any person against whom a proceeding is brought before the Copyright Claims Board under section 1506(e), pursuant to a permissible claim of infringement brought under section 1504(c)(1), noninfringement brought under section 1504(c)(2), or misrepresentation brought under section 1504(c)(3).

(Added Pub. L. 116–260, div. Q, title II, §212(b), Dec. 27, 2020, 134 Stat. 2177.)

Statutory Notes and Related Subsidiaries

SEVERABILITY

Pub. L. 116–260, div. Q, title II, §212(f), Dec. 27, 2020, 134 Stat. 2200, provided that: “If any provision of this section [see Short Title of 2020 Amendment note set out under section 101 of this title], 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.”

§ 1502. Copyright Claims Board

(a) IN GENERAL.—There is established in the Copyright Office the Copyright Claims Board,

which shall serve as an alternative forum in which parties may voluntarily seek to resolve certain copyright claims regarding any category of copyrighted work, as provided in this chapter.

(b) OFFICERS AND STAFF.—

(1) COPYRIGHT CLAIMS OFFICERS.—The Register of Copyrights shall recommend 3 full-time Copyright Claims Officers to serve on the Copyright Claims Board in accordance with paragraph (3)(A). The Officers shall be appointed by the Librarian of Congress to such positions after consultation with the Register of Copyrights.

(2) COPYRIGHT CLAIMS ATTORNEYS.—The Register of Copyrights shall hire not fewer than 2 full-time Copyright Claims Attorneys to assist in the administration of the Copyright Claims Board.

(3) QUALIFICATIONS.—

(A) COPYRIGHT CLAIMS OFFICERS.—

(i) IN GENERAL.—Each Copyright Claims Officer shall be an attorney who has not fewer than 7 years of legal experience.

(ii) EXPERIENCE.—Two of the Copyright Claims Officers shall—

(I) have substantial experience in the evaluation, litigation, or adjudication of copyright infringement claims; and

(II) between those 2 Officers, have represented or presided over a diversity of copyright interests, including those of both owners and users of copyrighted works.

(iii) ALTERNATIVE DISPUTE RESOLUTION.—

The Copyright Claims Officer not described in clause (ii) shall have substantial familiarity with copyright law and experience in the field of alternative dispute resolution, including the resolution of litigation matters through that method of resolution.

(B) COPYRIGHT CLAIMS ATTORNEYS.—Each Copyright Claims Attorney shall be an attorney who has not fewer than 3 years of substantial experience in copyright law.

(4) COMPENSATION.—

(A) COPYRIGHT CLAIMS OFFICERS.—

(i) DEFINITION.—In this subparagraph, the term “senior level employee of the Federal Government” means an employee, other than an employee in the Senior Executive Service, the position of whom is classified above GS–15 of the General Schedule.

(ii) PAY RANGE.—Each Copyright Claims Officer shall be compensated at a rate of pay that is not less than the minimum, and not more than the maximum, rate of pay payable for senior level employees of the Federal Government, including locality pay, as applicable.

(B) COPYRIGHT CLAIMS ATTORNEYS.—Each Copyright Claims Attorney shall be compensated at a rate of pay that is not more than the maximum rate of pay payable for level 10 of GS–15 of the General Schedule, including locality pay, as applicable.

(5) TERMS.—

(A) IN GENERAL.—Subject to subparagraph (B), a Copyright Claims Officer shall serve for a renewable term of 6 years.