

HR 6496

Fairness for American Small Creators Act

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Dec 8, 2016

Current Status: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.

Latest Action: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet. (Dec 22, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/6496>

Sponsor

Name: Rep. Chu, Judy [D-CA-27]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Smith, Lamar [R-TX-21]	R · TX		Dec 8, 2016

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Dec 22, 2016

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
114 HR 5757	Related bill	Jul 27, 2016: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.

Fairness for American Small Creators Act

This bill establishes in the U.S. Copyright Office a copyright claims board to serve as an alternative forum for parties to choose to resolve certain copyright claims if the total damages sought by a party do not exceed \$30,000.

The board must certify its determinations on copyright claims, counterclaims, and defenses for confirmation by the U.S. District Court for the District of Columbia.

The board is authorized to: (1) conduct hearings and conferences; (2) facilitate settlements; (3) render independent determinations based on copyright laws and regulations without consultation from the Register of Copyrights regarding the facts of a case; (4) award damages; and (5) require cessation or mitigation of infringing activity, including the takedown or destruction of infringing materials, where the parties agree.

The bill preserves the right of parties to instead pursue a claim or defense in court.

The board may conduct proceedings through Internet-based teleconference applications.

Discovery shall be limited to the production of relevant information and documents, written interrogatories, and written requests for admission. But the board may request specific information or approve a party's request for additional limited discovery.

A party may request: (1) the claims board to reconsider its determinations, and (2) the Register of Copyrights to review whether the claims board abused its discretion in denying any requested reconsideration.

The Register of Copyrights may issue regulations to dispose of any claim with total damages of \$5,000 or less through a process that provides for: (1) one copyright claims officer to consider the claim and issue a determination, and (2) a copyright claims attorney to determine whether the case shall be heard by one officer or the board.

A party may not assert before a court or tribunal any claim resolved by the board's final determination, but parties may petition the U.S. District Court for the District of Columbia to vacate, modify, or correct a determination that: (1) was issued as a result of fraud, corruption, misconduct, or undue means; (2) exceeds the board's authority or was executed so imperfectly that the determination was neither final nor definite; or (3) was based on a default determination or failure to prosecute that was due to excusable neglect.

If a party fails to pay damages or comply with relief awarded in a final board determination, the aggrieved party may apply for a court order confirming the final award.

Actions Timeline

- **Dec 22, 2016:** Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
- **Dec 8, 2016:** Introduced in House
- **Dec 8, 2016:** Referred to the House Committee on the Judiciary.