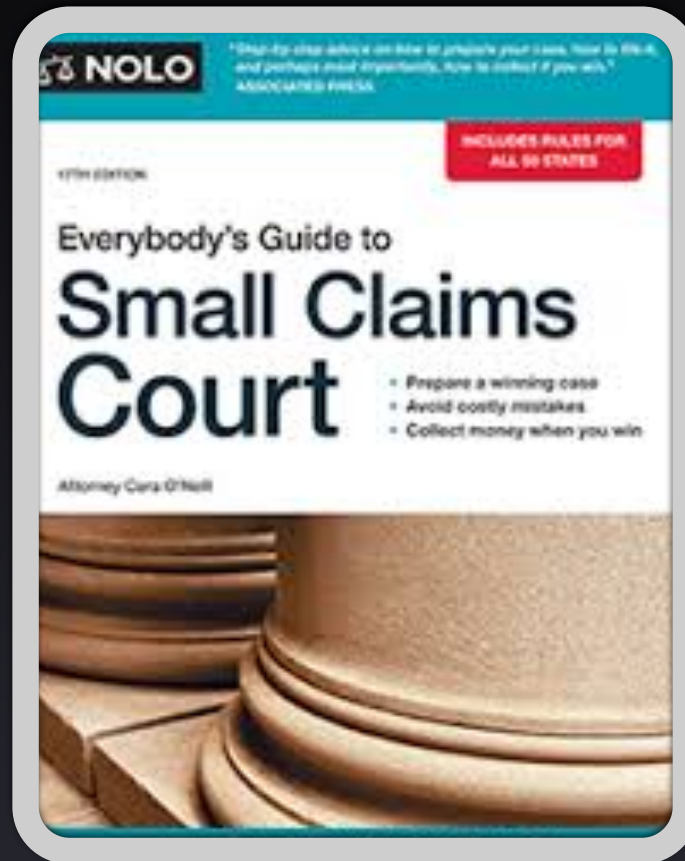


COPYRIGHT SMALL CLAIMS COURT IF YOU BUILD IT, THEY WILL COME



Ben Depoorter

Sunderland Distinguished Prof., University of California, Hastings & Stanford Law CIS

1

COPYRIGHT LAW'S

SMALL CLAIMS PROBLEM

NEGATIVE VALUE SUITS

NEGATIVE VALUE SUITS

$$P(D) - C < 0$$

NEGATIVE VALUE SUITS

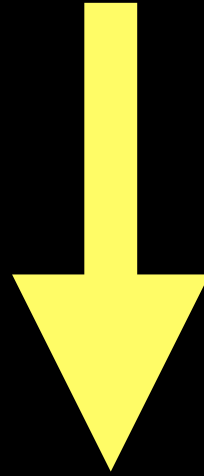
$$90\% (1000) - 1200 < \underline{-300}$$

NEGATIVE VALUE SUITS

EFFECT

SYMPATHETIC PLAINTIFFS

SYMPATHETIC PLAINTIFFS



SYMPATHETIC PLAINTIFFS



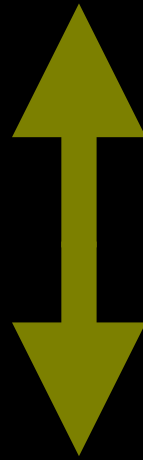
SYMPATHETIC PLAINTIFFS



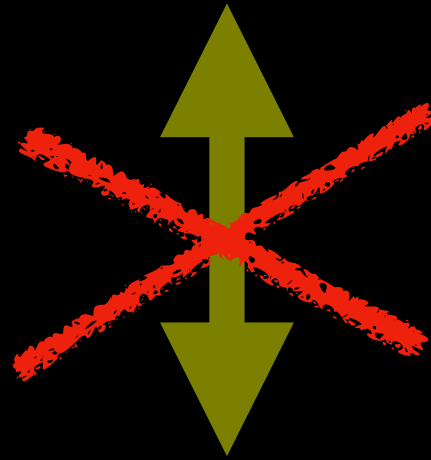
OPPORTUNISTIC INFRINGERS

SYMPATHETIC DEFENDANTS

SYMPATHETIC DEFENDANTS



SYMPATHETIC DEFENDANTS

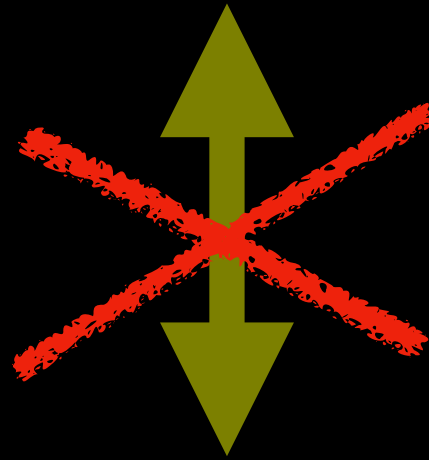


SYMPATHETIC DEFENDANTS



OPPORTUNISTIC PLAINTIFFS

SYMPATHETIC DEFENDANTS



OPPORTUNISTIC PLAINTIFFS



DYNAMIC EFFECTS

OF NEGATIVE VALUE SUITS

1. DECREASES ACCESS TO JUSTICE

2. UNFAIR OUTCOMES

**3. REDUCED ACCOUNTABILITY/
DETERRENCE**

2

HOW TO REDUCE LITIGATION COSTS

POLICY OPTIONS

$$P(D) - C > 0$$


1. LEGAL AID

SUBSIDIES

2. FEE SHIFTING

RISK AVERSION

3. LEGAL INSURANCE

EX-ANTE COSTS

4. STATUTORY DAMAGES

(!)


3

THE SMALL CLAIMS COURT APPROACH

COST-SAVINGS

SMALL CLAIMS COURTS

POTENTIAL COSTS SAVINGS

$$P(D) - C > 0$$


1. SIMPLE PROCEDURE

2. LIMITED DISCOVERY

3. LIMITED LEGAL ASSISTANCE

4. REMOTE PROCESS

4

THE CASE ACT

APPROACH

CASE ACT APPROACH

1. JURISDICTION

UNLIMITED

2. REMEDIES

LIMITED: 30,000 / STATUTORY DAMAGES: 15,000/7,500

3. OPT-OUT

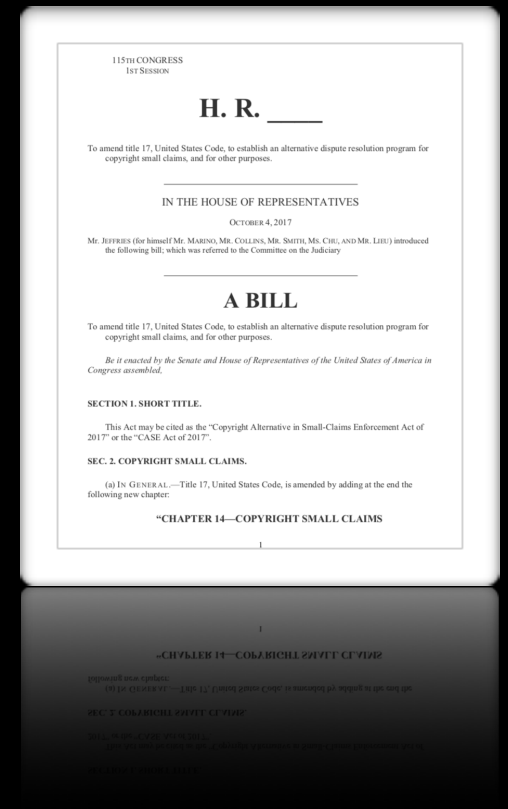
VOLUNTARY

4. ENFORCEMENT

FEDERAL COURT

PREDICTIONS

LITIGATION IN THE CASE TRIBUNAL



THE GOAL

1. SYMPATHETIC PLAINTIFFS

~~2. OPPORTUNISTIC PLAINTIFFS~~

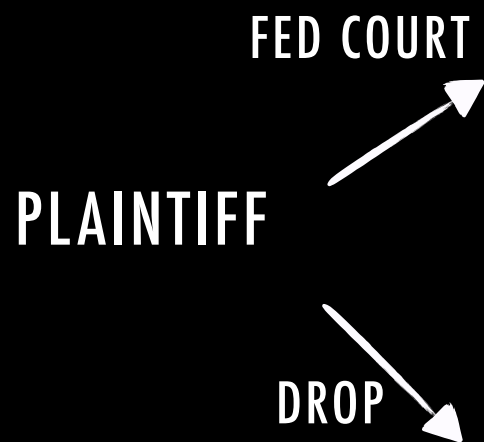
3. SYMPATHETIC DEFENDANTS

~~4. OPPORTUNISTIC INFRINGERS~~

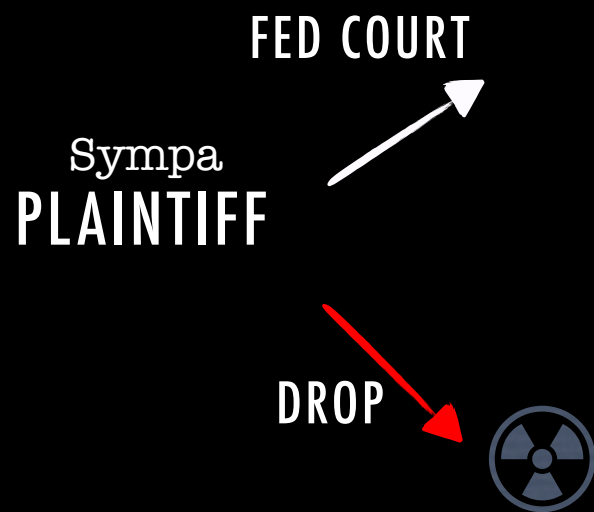
CURRENTLY

WITHOUT

CASE ACT

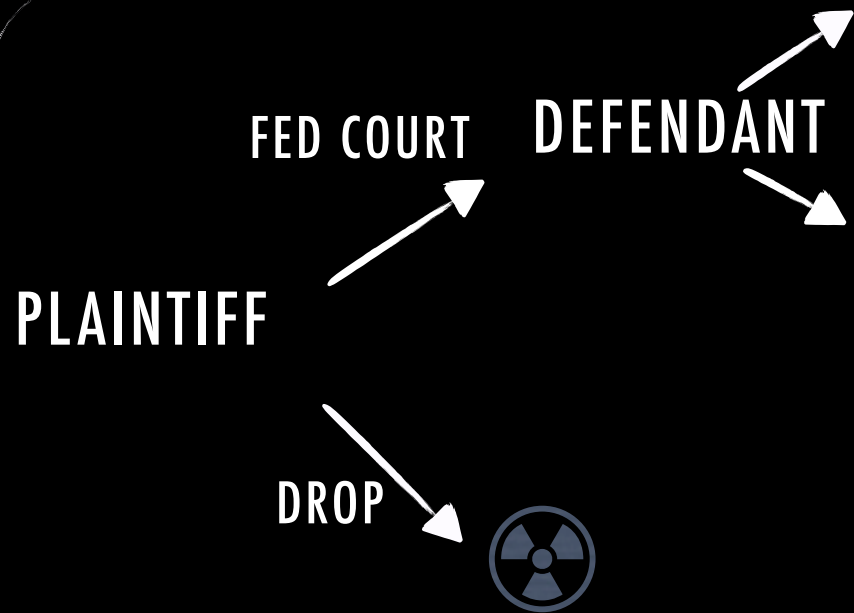


WITHOUT CASE ACT

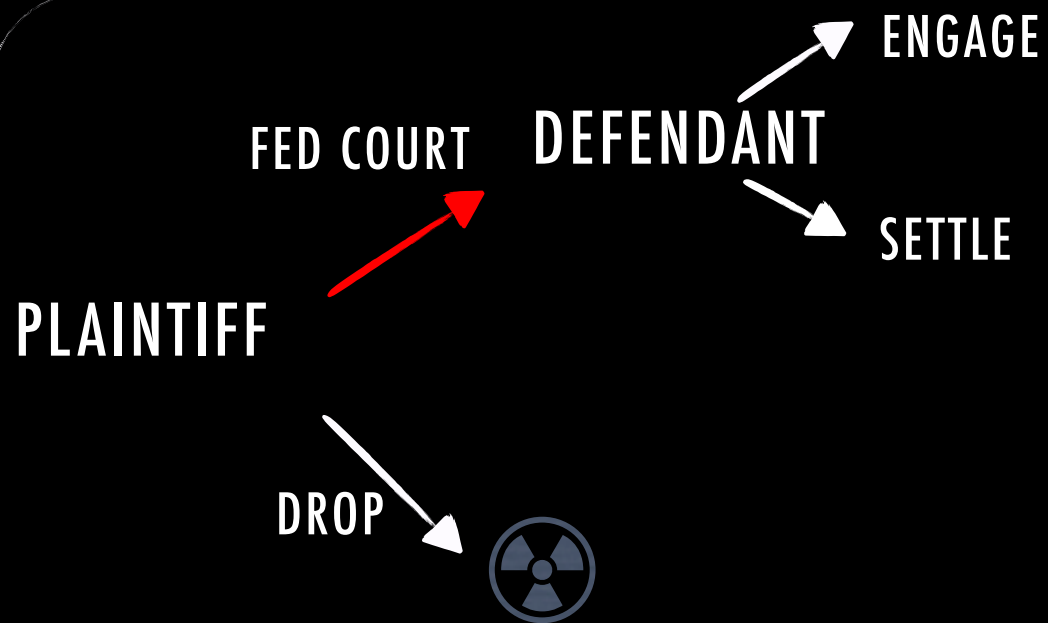


WITHOUT

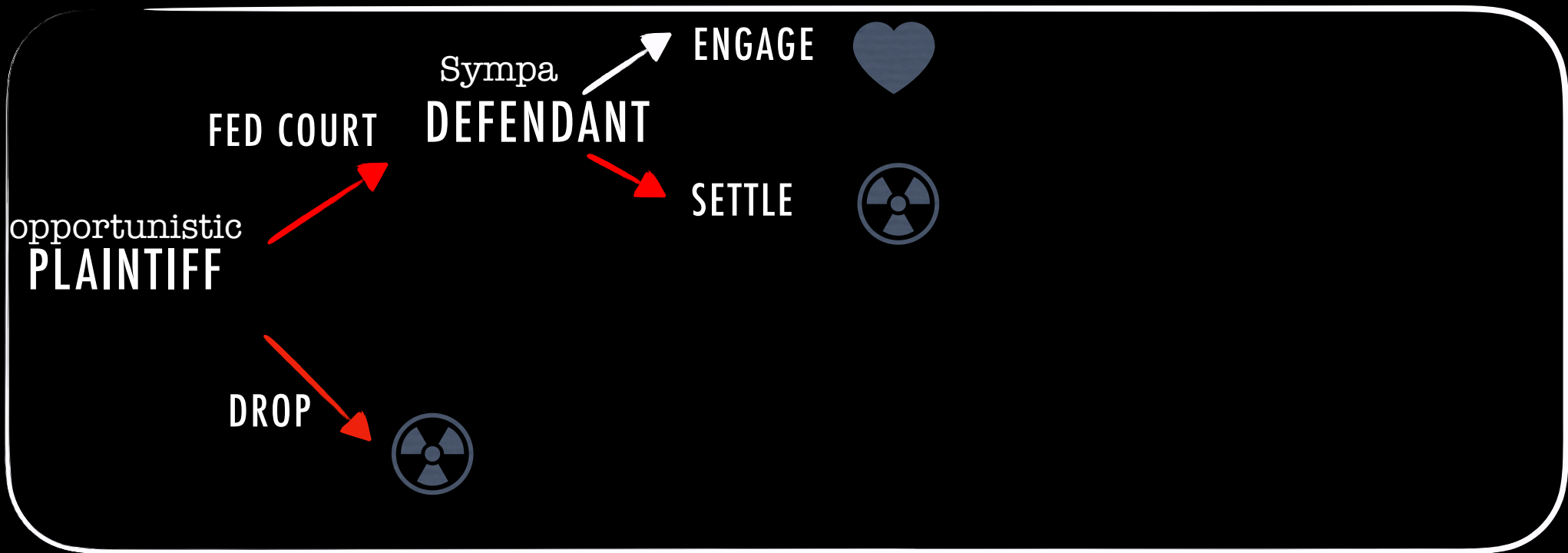
CASE ACT



WITHOUT CASE ACT



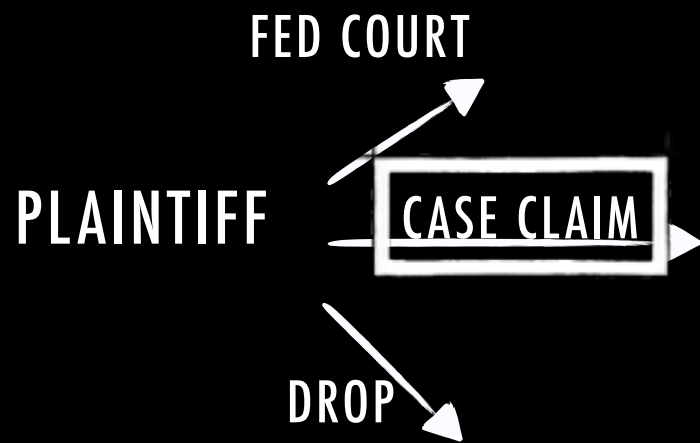
WITHOUT CASE ACT



CASE ACT

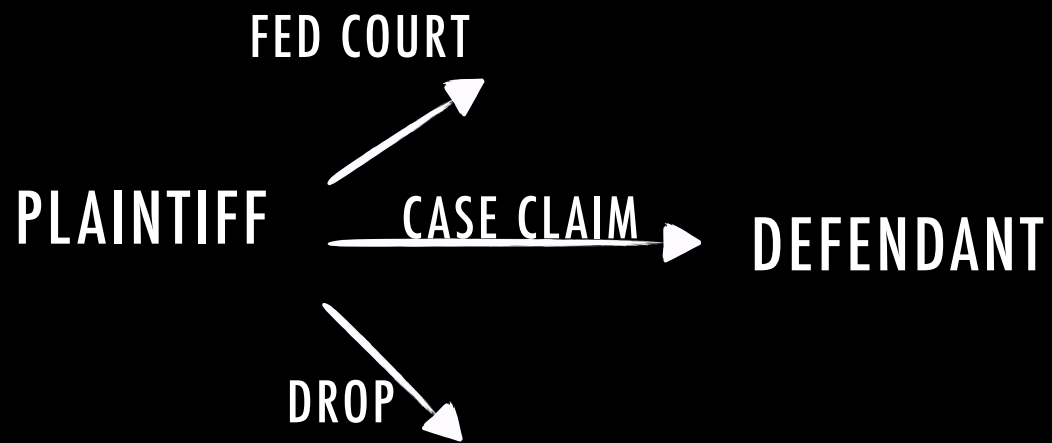
WITH

CASE ACT



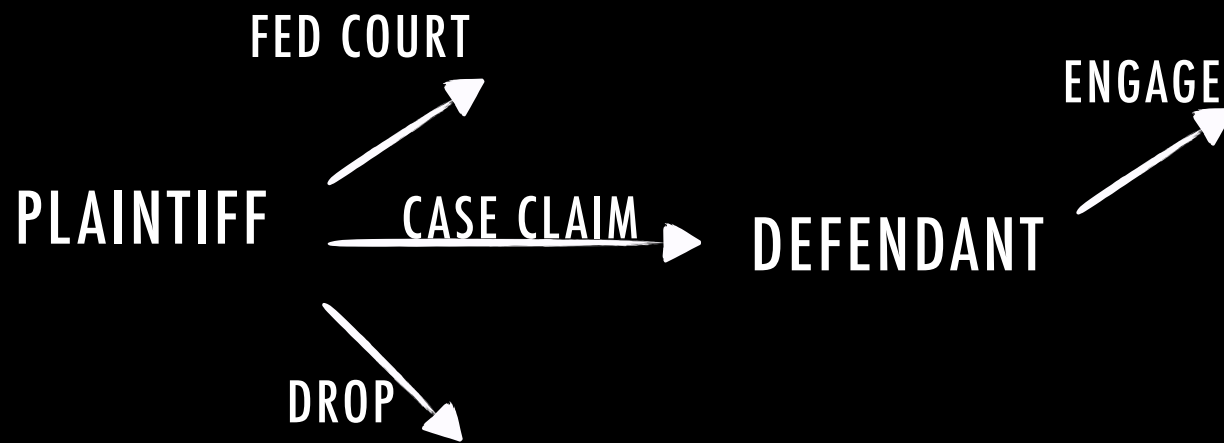
WITH

CASE ACT



WITH

CASE ACT



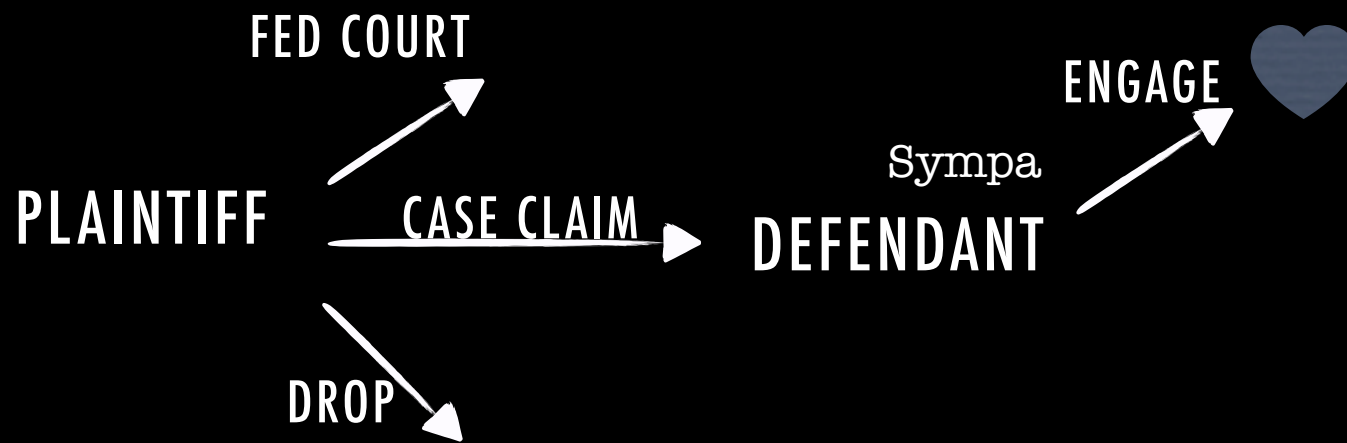
WITH

CASE ACT



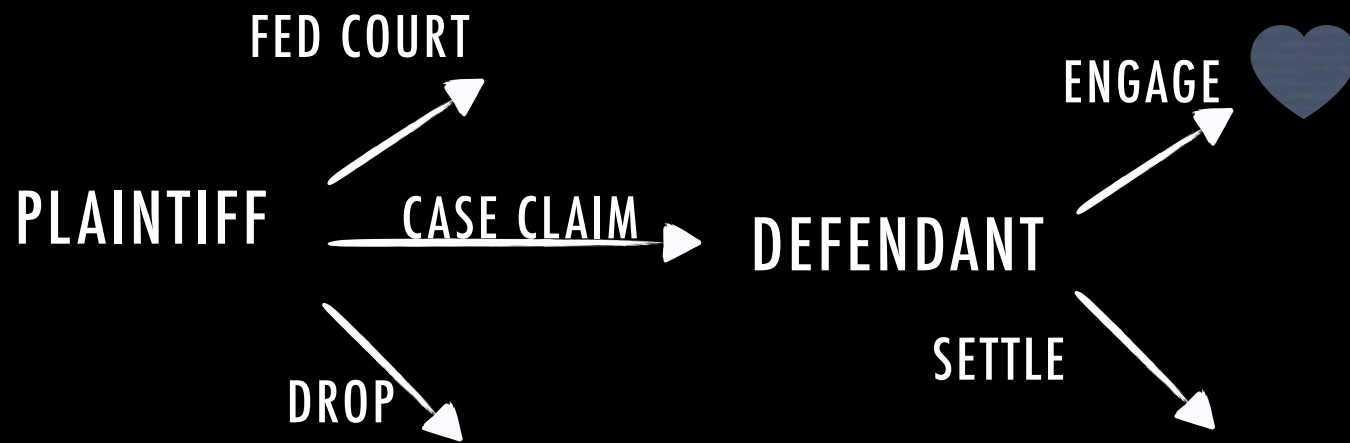
WITH

CASE ACT



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WITH

CASE ACT



TWO ADDITIONAL SCENARIOS

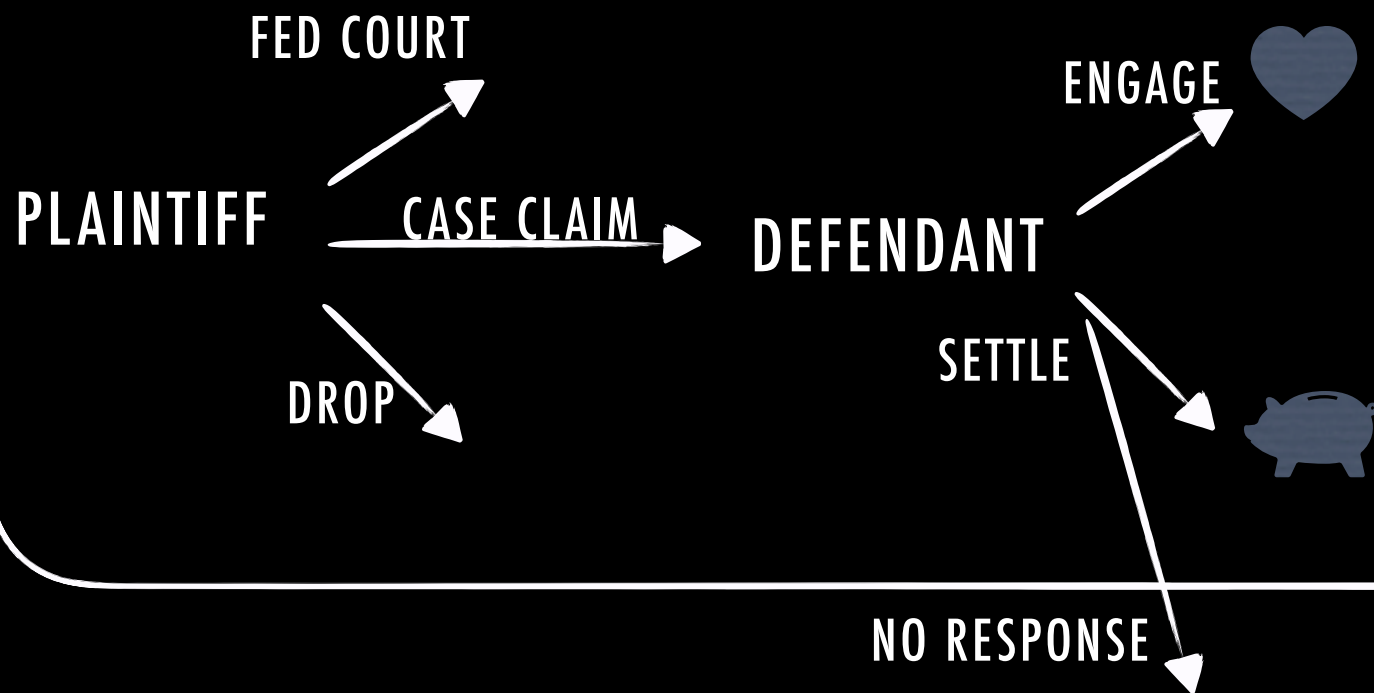
WITH

CASE ACT



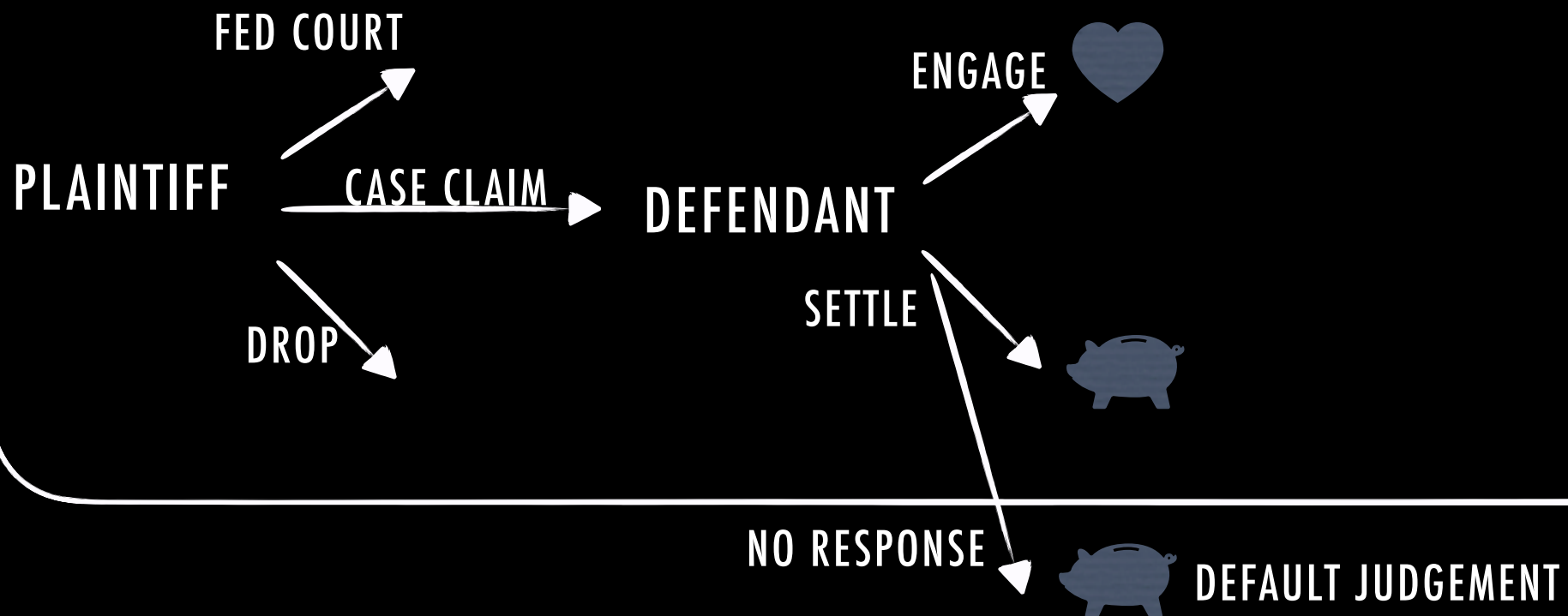
WITH

CASE ACT



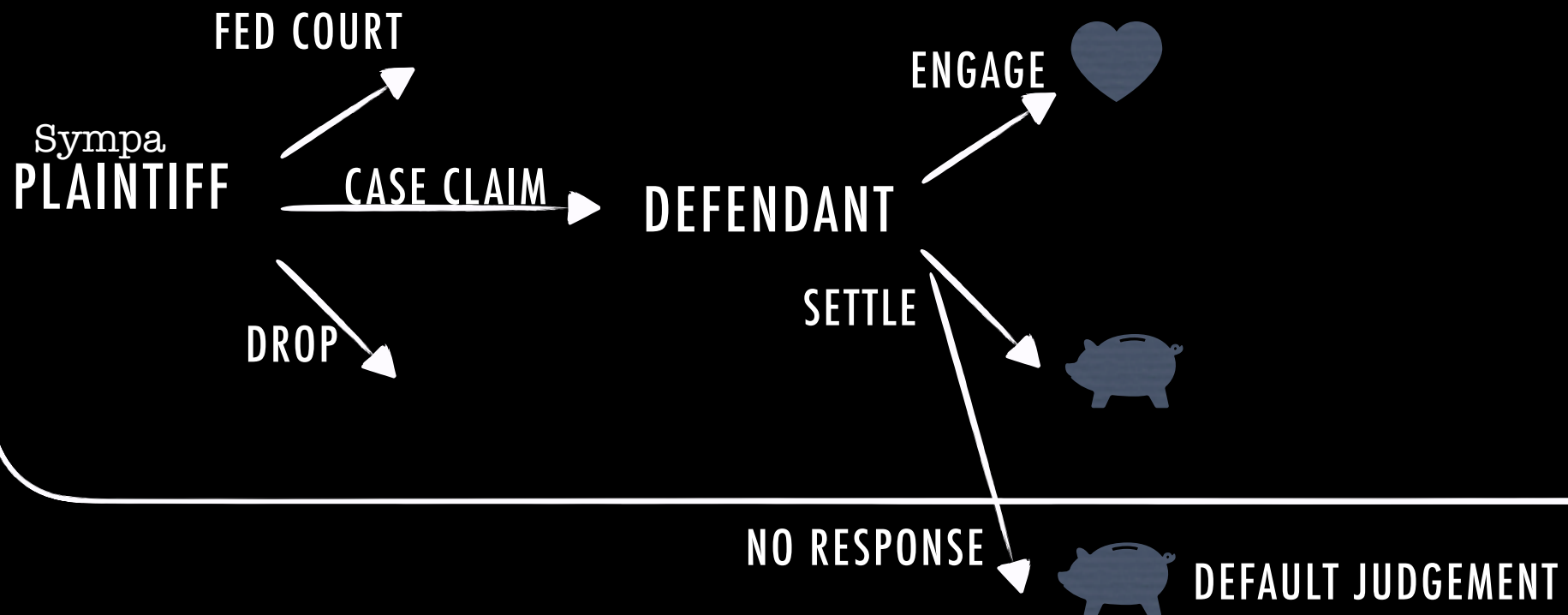
WITH

CASE ACT



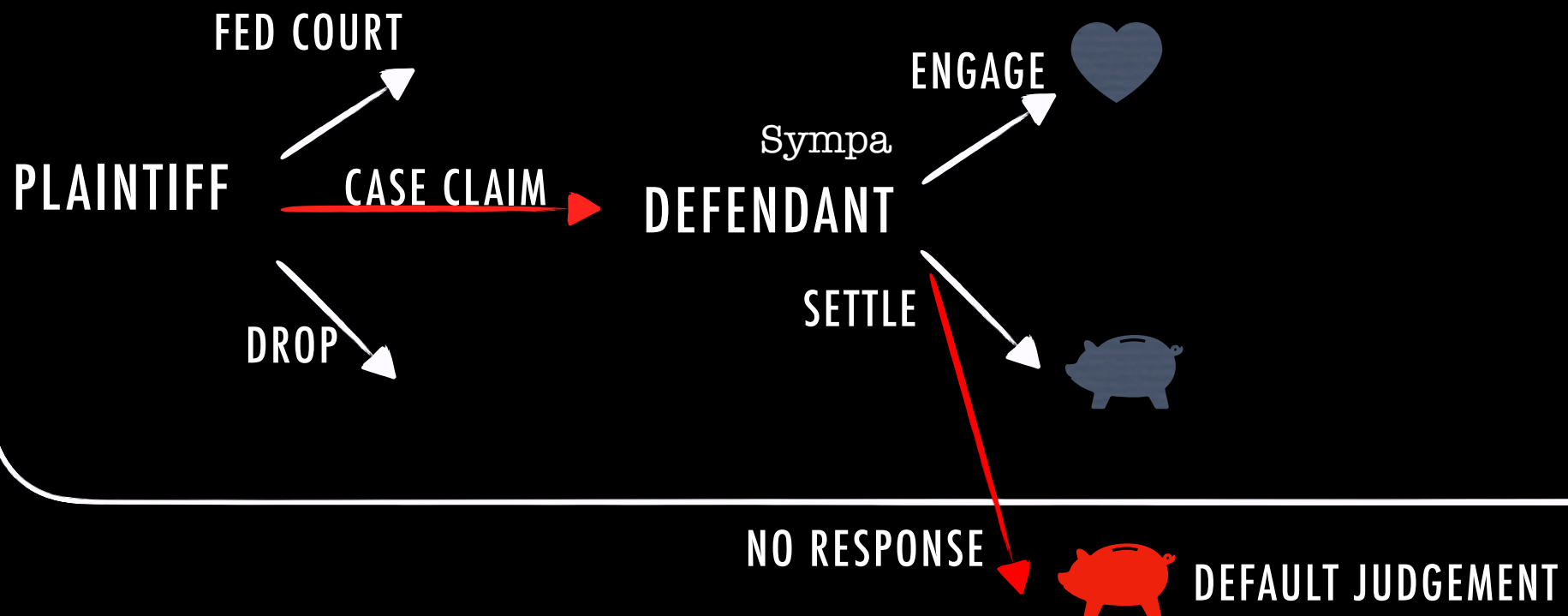
WITH

CASE ACT



WITH

CASE ACT



WITH

CASE ACT

FED COURT

opportunistic
PLAINTIFF

CASE CLAIM

DEFENDANT

Sympa

ENGAGE



DROP

SETTLE



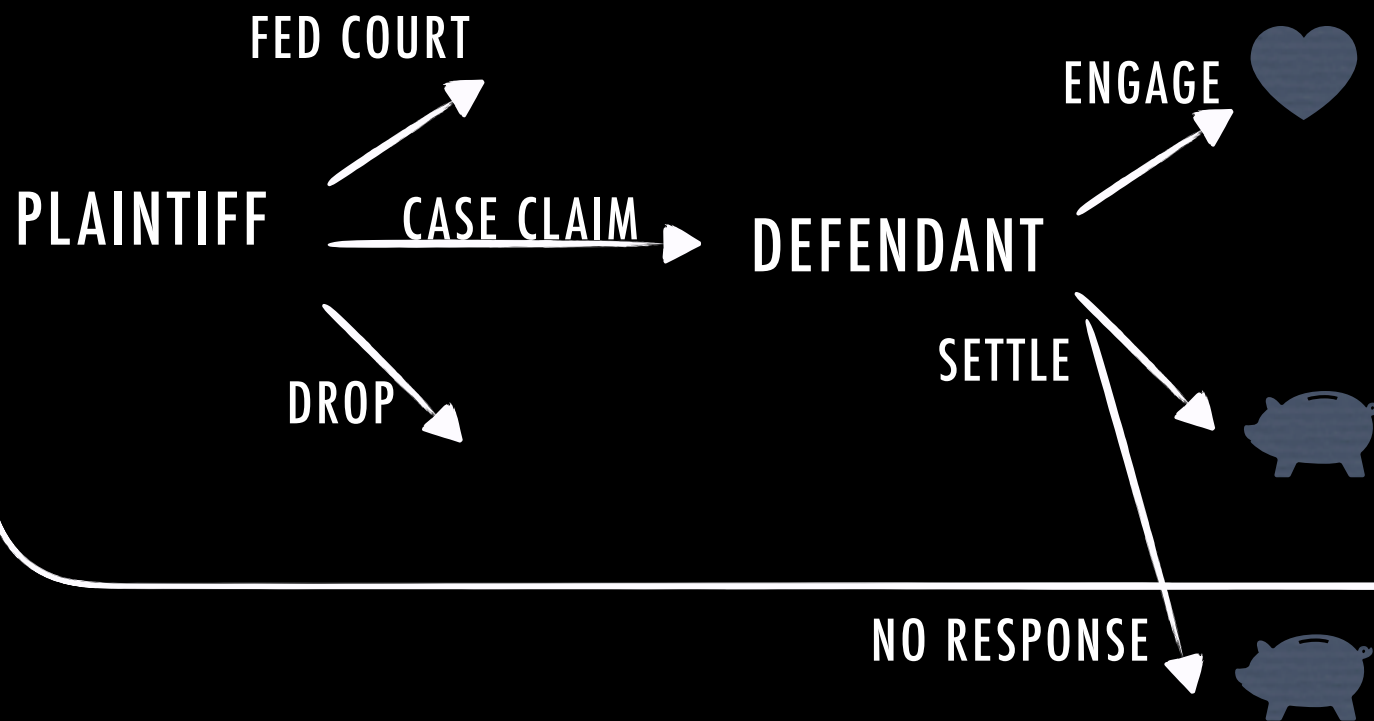
NO RESPONSE

DEFAULT JUDGEMENT



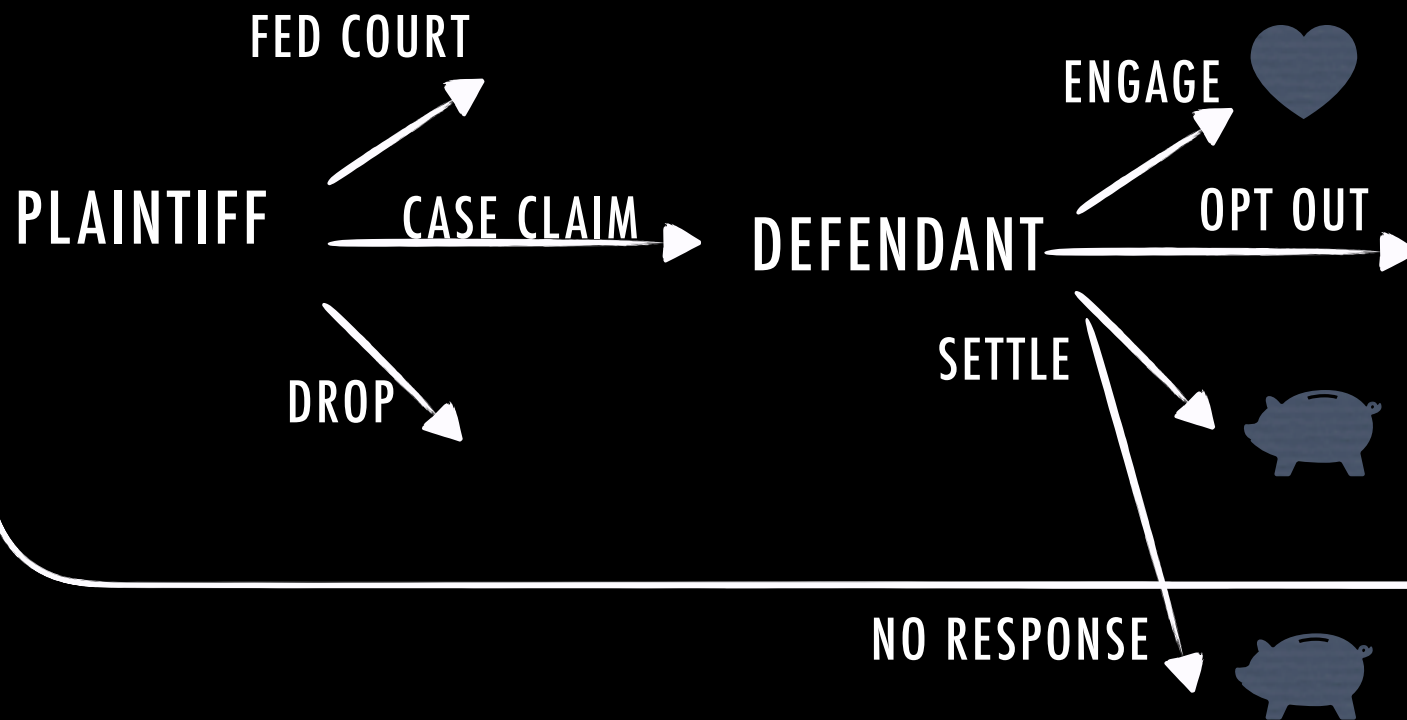
WITH

CASE ACT



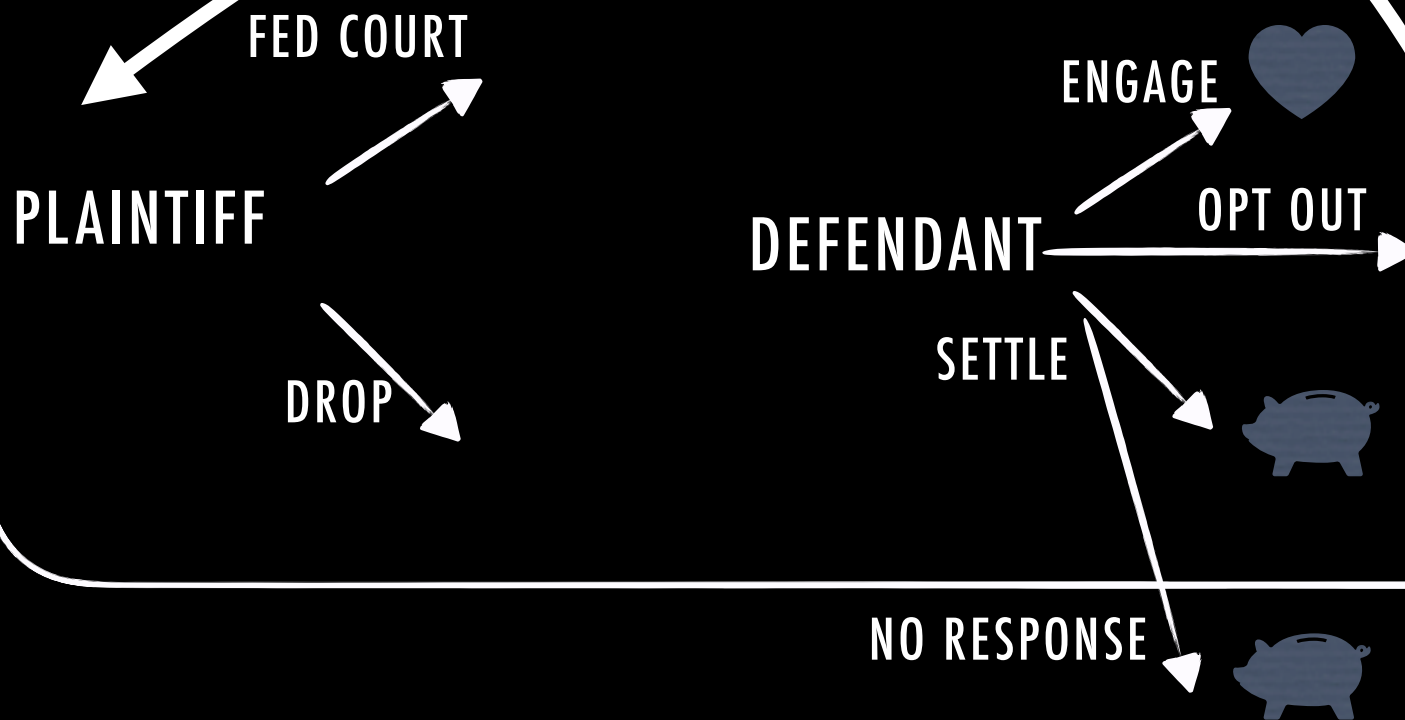
WITH

CASE ACT



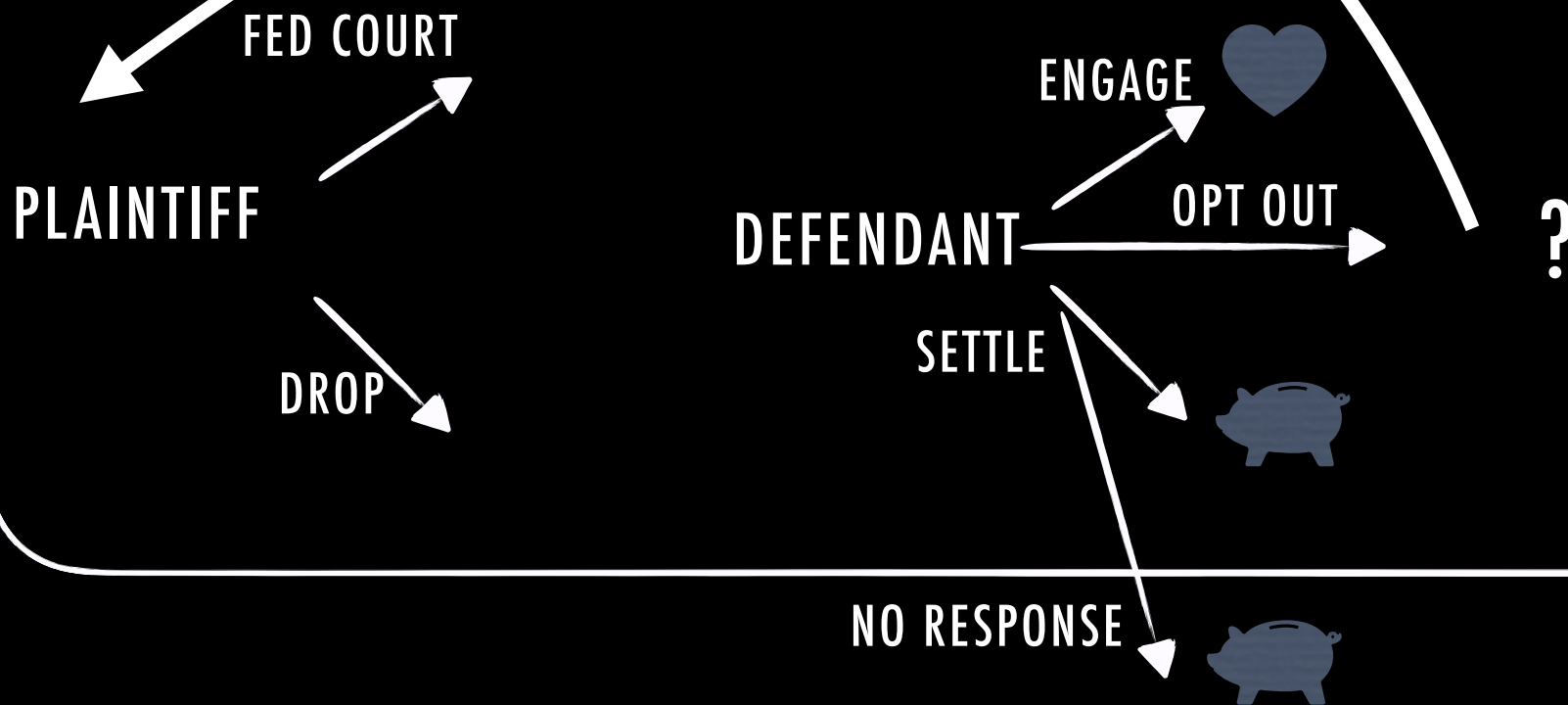
WITH

CASE ACT



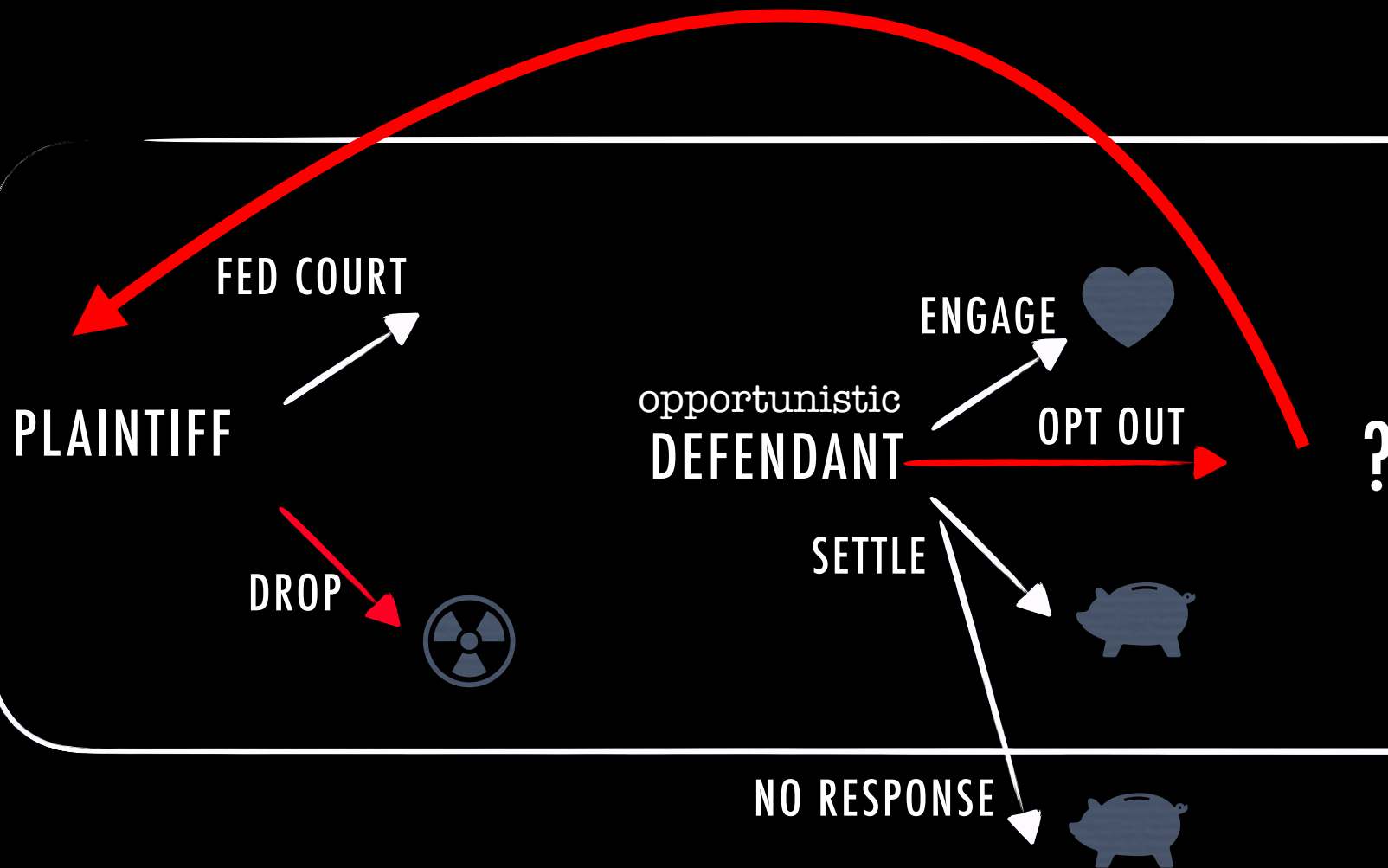
WITH

CASE ACT



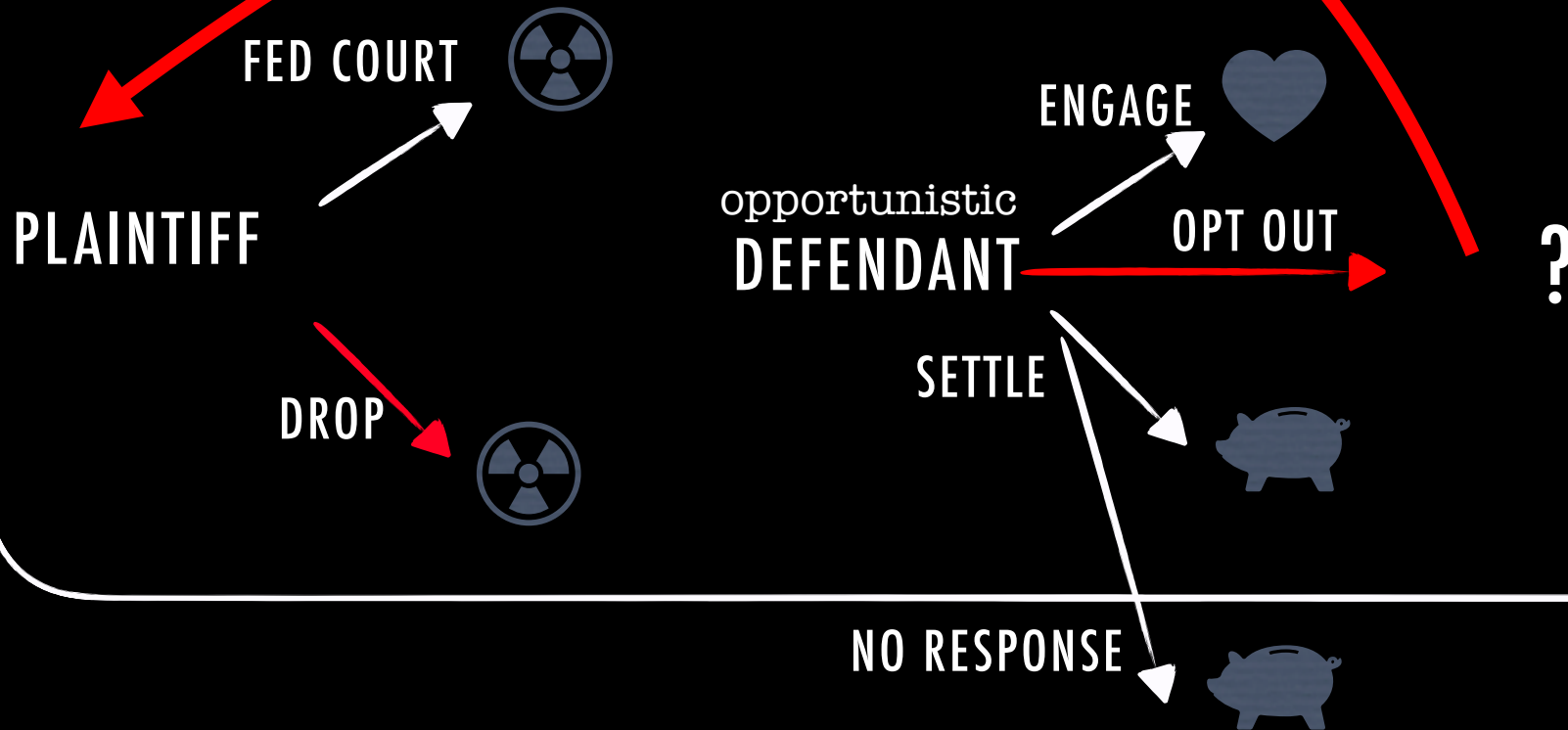
WITH

CASE ACT



WITH

CASE ACT



SMALL CLAIMS COURT

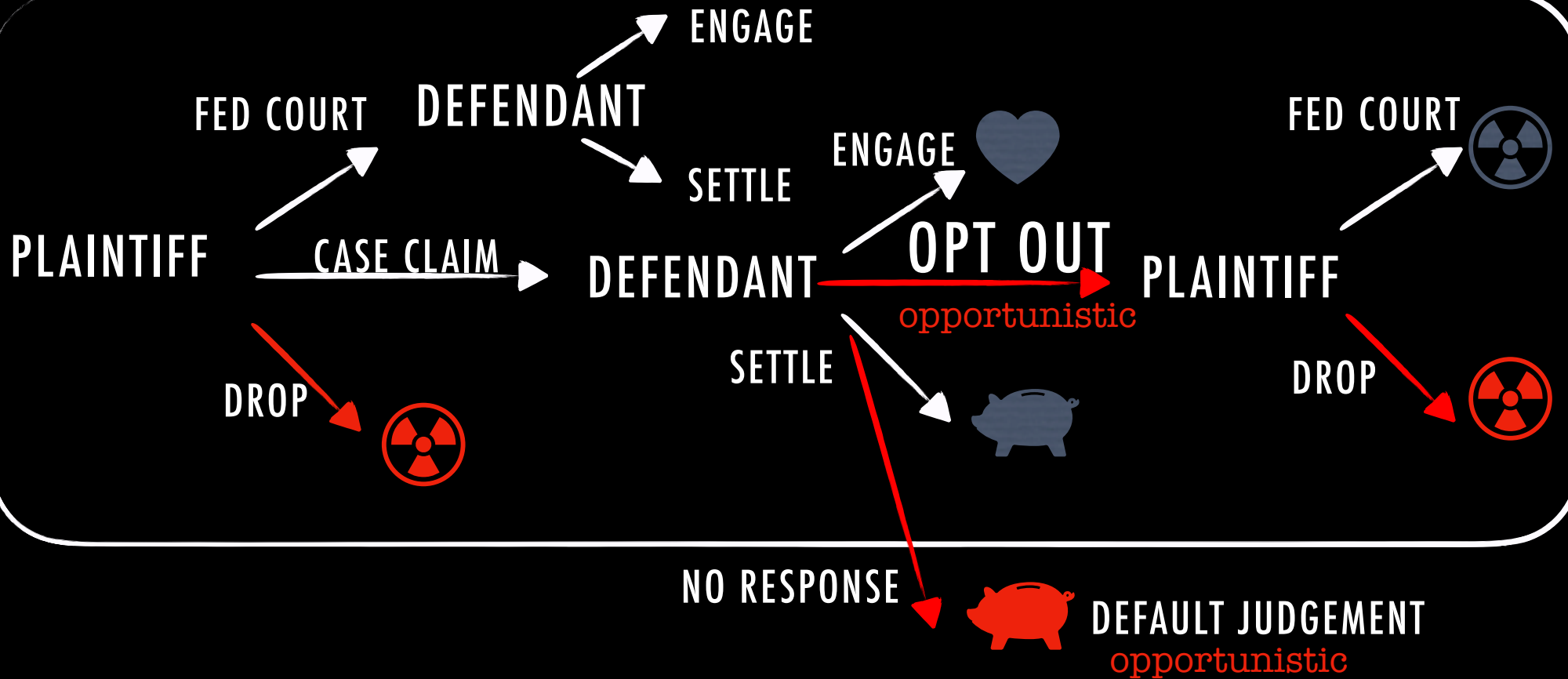
IF YOU BUILD IT, THEY WILL COME

An aerial night photograph of a baseball field. The field is illuminated, and a long, curved, dotted light trail, resembling a comet or a long-exposure shot of a light source, arcs across the dark sky above the field. The trail starts near the field and extends towards the top right of the frame.

WHO?

WITH

CASE ACT



6

CAUSES

WITH

CASE ACT

STATUTORY DAMAGES

OPT-OUT

SUGGESTIONS

FOR A MORE EFFECTIVE SC TRIBUNAL



THANK YOU







WITH

CASE ACT

