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September 29, 2021

Ms. Shira Perlmutter
Register of Copyrights
United States Copyright Office
101 Independence Avenue S.E.
Washington, DC 20559

RE: Small Claims Procedures for Library and Archives Opt-Outs (86 F.R. 49273, Docket No. COLC-2021-0003)

Dear Register Perlmutter:

On behalf of the American Association of Law Libraries (AALL), I write in response to the U.S. Copyright Office's (Copyright Office) Notice of Proposed Rulemaking regarding the procedures for libraries and archives to preemptively opt out of proceedings before the new Copyright Claims Board (CCB). AALL is a national organization representing 4,000 law librarians and legal information professionals. This rule impacts both how law libraries opt out of CCB proceedings as well as the decisions law libraries will make to protect employees from copyright claims.

The proposed rule includes several key provisions that will allow academic law libraries, public law libraries, and private law libraries to opt out of proceedings before the CCB easily and efficiently. Especially important to our members is the Copyright Office's decision to allow law libraries to self-certify that they qualify for the preemptive opt-out.

While the proposed rule has positive sections for law libraries, AALL is concerned about the potential impact of the Copyright Office's decision not to explicitly extend the preemptive opt-out provision to employees. This decision may result in some law libraries stopping important activities—including digitization, scanning of archival materials for preservation, and developing digital archives—because the law libraries fear employees may receive copyright claims from rightsholders who wish to initiate proceedings against individual employees before the CCB. These activities are essential to law libraries' missions to provide access to legal information.

To help address this concern, AALL recommends that the Copyright Office include additional information on the [Copyright Small Claims and the Copyright Claims Board](#) website geared toward potential respondents, including law library employees. Currently, much of the information on the website is for potential claimants. Additional public information would help law librarians and legal information professionals learn



how law libraries can benefit from the opt-out provision as well as educate and inform employees about their rights and responsibilities with the CCB. AALL would welcome the opportunity to collaborate with the Copyright Office on a webinar or other educational programs and resources about the CCB geared toward law librarians and legal information professionals.

Thank you for the opportunity to provide these comments. AALL hopes our feedback and recommendations are helpful as the Copyright Office finalizes this rule.

Sincerely,

A handwritten signature in black ink that reads "Diane M. Rodriguez". The signature is written in a cursive style with a large, stylized "R" at the end.

Diane M. Rodriguez
President, 2021-2022
American Association of Law Libraries