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October 20, 2021

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

RE: Copyright Claims Board: Initiation of Proceedings and Related Procedures (86 F.R. 53897 Docket No. COLC-2021-0004)

Dear Register Perlmutter:

Thank you for the opportunity to submit comments in response to the U.S. Copyright Office's (Copyright Office) Notice of Proposed Rulemaking about the initiation of proceedings and related procedures before the Copyright Claims Board (CCB). The American Association of Law Libraries (AALL) is a national organization representing 4,000 law librarians and legal information professionals. Clear rules about the CCB process and procedures will help our members understand their rights and responsibilities before the CCB.

The proposed rule effectively explains the CCB process, including how claims are brought and how responses and counterclaims are filed. Particularly helpful for law librarians and legal information professionals is section 222.7, which clearly defines the steps to file a response to a claim and section 223.1, which describes the procedures for individuals to opt out of a proceeding.

AALL recommends that the Copyright Office clarify section 224.1, Compliance review to explain how a library's preemptive opt-out status will be considered as part of the claim review process. AALL recommends that the Copyright Office explicitly state that when a claim is brought against a library, the Copyright Claims Attorney (CCA) will review whether a library has preemptively opted out of CCB proceedings, as permitted under the *Copyright Alternative in Small-Claims Enforcement (CASE) Act*. AALL's suggestion aligns with the proposed rule's requirement under section 224.1(b) that the CCA "shall review the claim or counterclaim for compliance with all legal and formal requirements for a claim or counterclaim before the Board."

Thank you for considering our comments as the Copyright Office finalizes this important rule about the initiation of proceedings and related procedures before the CCB.



Sincerely,

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

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