



COMMENTS OF THE LIBRARY COPYRIGHT ALLIANCE IN RESPONSE TO THE COPYRIGHT OFFICE NOTICE OF INQUIRY AND REQUEST FOR COMMENTS CONCERNING THE COPYRIGHT CLAIMS BOARD

The Library Copyright Alliance (“LCA”) consists of the American Library Association and the Association of Research Libraries. These two library associations represent the interests of over 100,000 libraries in the United States employing more than 250,000 librarians and other personnel.

LCA appreciates the opportunity to respond to the Copyright Office’s notice of inquiry and request for comments concerning the operation of the Copyright Claims Board (“CCB”). LCA participated in the legislative process that led to the adoption of the Copyright Alternative in Small-Claims Enforcement Act of 2020 (the “CASE Act”) and the rulemaking that developed the regulations implementing the Act. The main focus of LCA’s advocacy was the preemptive opt-out for libraries and archives provided for in 17 U.S.C. § 1506(aa)(1) and 37 C.F.R. § 223.2.

Question 1.e. of the Copyright Office’s notice asks whether “the opt-out system is working as intended and, if not, how should it be modified?” To the best of our knowledge, it appears that the opt-out system for libraries and archives is working as intended. According to the Library and Archives Opt Out List maintained by the Copyright Office, over 1,000 libraries have preemptively opted-out of CCB proceedings.¹ We are not aware of any libraries or archives that has encountered difficulty opting-out preemptively. Likewise, we are not aware of any libraries or archives that has found itself involuntarily enmeshed in CCB proceedings. Indeed, we are not aware of any CCB complaint filed against a library or archives.

Accordingly, from the perspective of LCA, there is no need to make any amendments to the CASE Act or its implementing regulations.

Respectfully submitted,

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¹ See <https://www.ccb.gov/libraries-archives-opt-out/>.