



**BEFORE THE
U.S. COPYRIGHT OFFICE**

Copyright Claims Board: District Court Referrals; Proof of Service Forms; Default Proceedings; Law Student Representation

Docket No. 2022–6

The Copyright Alliance appreciates the opportunity to submit the following comments in response to the [request for comments](#) published by the U.S. Copyright Office in the Federal Register on December 19, 2022, regarding the interim rule amending Copyright Claims Board (CCB) regulations governing the appearance of law student representatives, district court referrals, proof of service forms, and default proceedings.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 2 million individual creators and over 15,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

The rule articulated in 37 CFR 235.1(d) provides that “when a district court has referred a proceeding to the Board, a claimant is not required to pay the Board a fee to initiate a claim under 37 CFR 201.3(g)(1).” At this time, we have no objections to this rule. We suggest that the Office monitor the number of cases referred from district court and re-evaluate the impact of this rule, including through the solicitation of public input, once there is more data. If the number of cases referred from district court becomes significant such that it increases the cost of maintaining the CCB, we would want to ensure that those costs are not passed down to other

claimants (i.e., claimants in cases not referred from district court who are required to pay a fee to initiate a claim) and do not adversely impact the CCB budget or resources available to the CCB. If at any point the Office determines that there is a need to recoup the costs associated with an increase in cases referred from district court, due to the unique nature of these proceedings and the fact that the plaintiff would have already paid a filing fee to bring the case in federal court, the Office may want to consider including an amount sufficient to fund these cases in its annual appropriations funding request from Congress. Alternatively, if the Office does decide to implement a fee for cases referred from district court, the Office should consider dividing that fee equally among all of the claimants and respondents that would be party to the case (since, unlike other cases, the case is being initiated at the CCB by all parties involved in the case).

As the CCB is still in its infancy, we request the opportunity to comment further on the rules established in this interim rule as well as the other regulations governing the CCB once there is more qualitative and quantitative data to consider. We appreciate the opportunity to submit these comments and we are happy to discuss these matters more thoroughly or answer any questions.

Respectfully submitted,

Keith Kupferschmid
CEO
Copyright Alliance
1331 F Street, NW, Suite 950
Washington, D.C. 20004
February 2, 2023