



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

**Copyright Claims Board: Agreement-
Based Counterclaims**

Docket No. 2023-4

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 May 3, 2023, regarding agreement-based counterclaims and related discovery requirements in Copyright Claims Board (CCB) proceedings.¹

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.

At this time, we have no substantive objections to the Office's proposal to add regulations specifically governing agreement-based counterclaims. However, as a general matter, we want to reiterate the importance of ensuring that the rules and regulations do not become so cumbersome and complex such that they make the CCB inaccessible to pro se litigants, who comprise a significant portion of the system's users, and whom the statute was designed to accommodate. While we understand the necessity of implementing additional regulations

¹ <https://www.govinfo.gov/content/pkg/FR-2023-05-03/pdf/2023-09055.pdf>

specific to agreement-based counterclaims, we continue to caution the Office against issuing additional regulations that make the process more complicated unless absolutely necessary.

In addition, we also want to ensure that the regulations governing protective orders will apply to any agreement that is required to be disclosed, and that no future changes to the protective order regulations would put that at risk.

As the CCB is still in its infancy, we request the opportunity to comment further on the rules established in this notice of proposed rulemaking 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,

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