

**LIBRARY COPYRIGHT ALLIANCE COMMENTS ON PROPOSED RULE FOR
PREEMPTIVE OPT-OUT**

for an infringing act she takes within the scope of her employment. The question here is whether an employer's decision to opt out from CCB proceedings should apply to its employees. In other words, should the employer be able to opt out on behalf of its employees? No principle of agency law prevents a principal from taking an action on behalf of an agent. **Therefore, including employees within the scope of the preemptive opt-out is not inconsistent with principles of agency law.**

The Office further asserts that including employees within the opt-out would “require a

employees of authorized entities; it would have made no sense for Congress to shield the