LIBRARY COPYRIGHT ALLIANCE COMMENTS ON CASE ACT NOTICE OF INQUIRY

The Library Copyright Alliance ("LCA") welcomes this opportunity to provide its comments on the Copyright Office's March 26, 2021 Notice of Inquiry ("NOI") on regulations implementing the Copyright Alternative in Small-Claims Enforcement ("CASE") Act. LCA consists of the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries. These associations collectively represent over 100,000 libraries in the United States employing more than 300,000 librarians and other personnel. An estimated 200 million Americans use these libraries more than two billion times each year. U.S. libraries spend over \$4 billion annually purchasing or licensing copyrighted works.

As the NOI recognizes, the CASE Act requires the Office to promulgate regulations setting forth procedures for libraries and archives to preemptively opt-out of proceedings before the Copyright Claims Board ("CCB"). 17 U.S.C. § 1506(aa)(1). By providing libraries¹ with the ability to opt-out preemptively of CCB proceedings, Congress clearly intended to ease the administrative burden repeated opt-outs could impose on libraries, and the attendant risk that a library

It is hard to imagine a situation where a library that initially meets the requirements of section 108(a)(2) would change its policies and no longer be open to the public or to unaffiliated

We look forward to working with the Copyright Office as this rulemaking proceeds.

Respectfully,

Jonathan Band Library Copyright Alliance Counsel