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**ADMINISTRATIVE DEVELOPMENTS**

## LIBRARY OF CONGRESS

U.S. Copyright Office Announces Start of Ninth Triennial Rulemaking Proceeding Under Section 1201. The Copyright Office has published a notice of inquiry and request for petitions initiating the ninth triennial rulemaking proceeding under the Digital Millennium Copyright Act (DMCA), section 1201 of Title 17 of the *United States Code*. Section 1201 provides that the Librarian of Congress, upon the recommendation of the Register of Copyrights, may adopt temporary exemptions to the DMCA's prohibition against circumvention of technological measures that control access to copyrighted works. The ultimate goal of the proceeding is to determine whether there are particular classes of works as to which users are, or are likely to be in the next three years, adversely affected in their ability to make noninfringing uses due to the prohibition on circumventing access controls. When such classes are identified, the Librarian promulgates regulations exempting the classes from the prohibition for the succeeding three-year period.

For this proceeding, the Office is again using a streamlined procedure for the renewal of exemptions that were granted during the previous eighth triennial rulemaking. If renewed, those current exemptions would remain in force for an additional three-year period (October 2024–October 2027).

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U.S. Copyright Office Issues a Notice of Proposed Rulemaking Regarding Agreement-Based Counterclaims Before the Copyright Claims Board. The Copyright Office issued a notice of proposed rulemaking regarding Copyright Claims Board procedures governing “agreement-based” counterclaims. These counterclaims can be brought only in response to an infringement claim and must be based on an agreement (for example, a contract) covering the same circumstances as the infringement claim. Further, these counterclaims can only be brought if the agreement at issue could affect the relief awarded to the claimant for their infringement claim.

The proposed rule contains requirements for asserting or responding to agreement-based counterclaims as well as standard interrogatories and standard requests for the production of documents.

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Copyright Office Launches New Artificial Intelligence Initiative. the U.S. Copyright Office launched a new initiative to examine the copyright law and policy issues raised by artificial intelligence (AI), including the scope of copyright in works generated using AI tools and the use of copyrighted materials in AI training.

This initiative is in direct response to the recent striking advances in generative AI technologies and their rapidly growing use by individuals and businesses. The Copyright Office has received requests from Congress and members of the public, including creators and AI users, to examine the issues raised for copyright, and it is already receiving applications for registration of works including AI-generated content.

To address the copyrightability and registration issues raised by these works, the Office is issuing new registration guidance. The guidance makes clear that applicants have a duty to disclose the inclusion of AI-generated content in works submitted for registration. It outlines how to do so, how to update pending applications, and how to correct the public record on copyright claims that have already been registered without the required disclosure.

Throughout the spring, the Office hosted public listening sessions with artists, creative industries, AI developers and researchers, and lawyers working on these issues. These roundtable-format listening sessions will provide an opportunity for participants to discuss their goals and concerns related to the use and impact of generative AI in creative fields.