

(g) **PERMISSIBLE NUMBER OF CASES.**—The Register of Copyrights may establish regulations relating to the permitted number of proceedings each year by the same claimant under this chapter, in the interests of justice and the administration of the Copyright Claims Board.

(Added Pub. L. 116-260, div. Q, title II, §212(b), Dec. 27, 2020, 134 Stat. 2181.)

§ 1505. Registration requirement

(a) **APPLICATION OR CERTIFICATE.**—A claim or counterclaim alleging infringement of an exclusive right in a copyrighted work may not be asserted before the Copyright Claims Board unless—

(1) the legal or beneficial owner of the copyright has first delivered a completed application, a deposit, and the required fee for registration of the copyright to the Copyright Office; and

(2) a registration certificate has either been issued or has not been refused.

(b) **CERTIFICATE OF REGISTRATION.**—Notwithstanding any other provision of law, a claimant or counterclaimant in a proceeding before the Copyright Claims Board shall be eligible to recover actual damages and profits or statutory damages under this chapter for infringement of a work if the requirements of subsection (a) have been met, except that—

(1) the Copyright Claims Board may not render a determination in the proceeding until—

(A) a registration certificate with respect to the work has been issued by the Copyright Office, submitted to the Copyright Claims Board, and made available to the other parties to the proceeding; and

(B) the other parties to the proceeding have been provided an opportunity to address the registration certificate;

(2) if the proceeding may not proceed further because a registration certificate for the work is pending, the proceeding shall be held in abeyance pending submission of the certificate to the Copyright Claims Board, except that, if the proceeding is held in abeyance for more than 1 year, the Copyright Claims Board may, upon providing written notice to the parties to the proceeding, and 30 days to the parties to respond to the notice, dismiss the proceeding without prejudice; and

(3) if the Copyright Claims Board receives notice that registration with respect to the work has been refused, the proceeding shall be dismissed without prejudice.

(c) **PRESUMPTION.**—In a case in which a registration certificate shows that registration with respect to a work was issued not later than 5 years after the date of the first publication of the work, the presumption under section 410(c) shall apply in a proceeding before the Copyright Claims Board, in addition to relevant principles of law under this title.

(d) **REGULATIONS.**—In order to ensure that actions before the Copyright Claims Board proceed in a timely manner, the Register of Copyrights shall establish regulations allowing the Copyright Office to make a decision, on an expedited

basis, to issue or deny copyright registration for an unregistered work that is at issue before the Board.

(Added Pub. L. 116-260, div. Q, title II, §212(b), Dec. 27, 2020, 134 Stat. 2184.)

§ 1506. Conduct of proceedings

(a) **IN GENERAL.**—

(1) **APPLICABLE LAW.**—Proceedings of the Copyright Claims Board shall be conducted in accordance with this chapter and regulations established by the Register of Copyrights under this chapter, in addition to relevant principles of law under this title.

(2) **CONFLICTING PRECEDENT.**—If it appears that there may be conflicting judicial precedent on an issue of substantive copyright law that cannot be reconciled, the Copyright Claims Board shall follow the law of the Federal jurisdiction in which the action could have been brought if filed in a district court of the United States, or, if the action could have been brought in more than 1 such jurisdiction, the jurisdiction that the Copyright Claims Board determines has the most significant ties to the parties and conduct at issue.

(b) **RECORD.**—The Copyright Claims Board shall maintain records documenting the proceedings before the Board.

(c) **CENTRALIZED PROCESS.**—Proceedings before the Copyright Claims Board shall—

(1) be conducted at the offices of the Copyright Claims Board without the requirement of in-person appearances by parties or others; and

(2) take place by means of written submissions, hearings, and conferences carried out through internet-based applications and other telecommunications facilities, except that, in cases in which physical or other nontestimonial evidence material to a proceeding cannot be furnished to the Copyright Claims Board through available telecommunications facilities, the Copyright Claims Board may make alternative arrangements for the submission of such evidence that do not prejudice any other party to the proceeding.

(d) **REPRESENTATION.**—A party to a proceeding before the Copyright Claims Board may be, but is not required to be, represented by—

(1) an attorney; or

(2) a law student who is qualified under applicable law governing representation by law students of parties in legal proceedings and who provides such representation on a pro bono basis.

(e) **COMMENCEMENT OF PROCEEDING.**—In order to commence a proceeding under this chapter, a claimant shall, subject to such additional requirements as may be prescribed in regulations established by the Register of Copyrights, file a claim with the Copyright Claims Board, that—

(1) includes a statement of material facts in support of the claim;

(2) is certified under subsection (y)(1); and

(3) is accompanied by a filing fee in such amount as may be prescribed in regulations established by the Register of Copyrights.

(f) **REVIEW OF CLAIMS AND COUNTERCLAIMS.**—