

Section of the U.S. Copyright Office pursuant to 37 CFR 201.2(1), and payment of the appropriate fee pursuant to 37 CFR 201.3, the Board will certify the official record of a proceeding.

PART 230—REQUESTS FOR RECONSIDERATION

- Sec.
 230.1 General.
 230.2 Request for reconsideration.
 230.3 Response to request.
 230.4 No new evidence.
 230.5 Determination.

AUTHORITY: 17 U.S.C. 702, 1510.

SOURCE: 87 FR 30089, May 17, 2022, unless otherwise noted.

§ 230.1 General.

This part prescribes rules pertaining to procedures for reconsideration of a *final determination* issued by the Copyright Claims Board (Board). A party may request reconsideration according to the procedures in this part if the party identifies a clear error of law or fact material to the outcome or a technical mistake.

§ 230.2 Request for reconsideration.

Upon receiving a *final determination* from the Board, any party may request that the Board reconsider its determination. Such a request must be filed within 30 days of the determination, shall be no more than 12 pages, and shall meet the requirements set forth in § 220.5(b) of this subchapter. The request must identify a clear error of law or fact that was material to the outcome or a technical mistake. The request shall not merely repeat any oral or written argument made to the Board as part of the proceeding but shall be specific as to the purported error or technical mistake that is the subject of the request. For the purposes of this section, the term *final determination* shall include an amended *final determination*.

§ 230.3 Response to request.

A party opposing a request for a reconsideration may file a response to the request within 30 days of the date of service of the request. Such response shall be no more than 12 pages and

shall meet the requirements set forth in § 220.5(b) of this subchapter.

§ 230.4 No new evidence.

Evidence that was not previously submitted to the Board as part of written testimony or at a hearing or in response to a specific request for evidence from the Board shall not be submitted as part of a request for reconsideration or a response to a request, except where the party demonstrates, through clear and convincing evidence, that the evidence was not available to that party in the exercise of reasonable diligence prior to the submission of written testimony or prior to the hearing.

§ 230.5 Determination.

After the filing of response papers or after the time for a party opposing the request for reconsideration to file a response has elapsed, the Board shall consider the request and any response and shall either deny the request for reconsideration or issue an amended *final determination*. The Board will base its decision on the parties' written submissions.

[87 FR 30089, May 17, 2022; 87 FR 36061, June 15, 2022]

PART 231—REGISTER'S REVIEW

- Sec.
 231.1 General.
 231.2 Request for Register's review.
 231.3 Response to request for Register's review.
 231.4 No new evidence.
 231.5 Standard of review.
 231.6 Determination.

AUTHORITY: 17 U.S.C. 702, 1510.

SOURCE: 87 FR 30090, May 17, 2022, unless otherwise noted.

§ 231.1 General.

This part prescribes rules pertaining to procedures for review by the Register of Copyrights of a *final determination* by the Copyright Claims Board (Board). A party whose request for reconsideration has been denied under § 230.5 of this subchapter may seek review of the *final determination* by the Register of Copyrights not later than

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30 days after a request for reconsideration has been denied in whole or in part.

§ 231.2 Request for Register's review.

A party may not file for review of the Board's *final determination* by the Register of Copyrights unless it has first filed, and had denied, a request for reconsideration. Where the Board has denied a request for reconsideration, the party who requested reconsideration may request review of the *final determination* by the Register of Copyrights. Such a request must be filed within 30 days of the denial of a request for reconsideration, shall be no more than 12 pages, and shall meet the requirements set forth in § 220.5(b) of this subchapter. The request must include the reasons the party believes there was an abuse of discretion in denying the request for reconsideration. The request must be accompanied by the filing fee set forth in 37 CFR 201.3(g)(3).

§ 231.3 Response to request for Register's review.

A party opposing the request for review may file a response to the request for review within 30 days of the date of service of the request. Such response shall be no more than 12 pages and shall meet the requirements set forth in § 220.5(b) of this subchapter. The request must include the reasons the party believes there was no abuse of discretion in denying the request for reconsideration. No reply filings shall be permitted.

§ 231.4 No new evidence.

Evidence that was not previously submitted to the Board as part of written testimony or at a hearing or in response to a specific request for evidence from the Board shall not be submitted as part of a request for review or a response to a request for review.

§ 231.5 Standard of review.

The Register's review shall be limited to consideration of whether the Board abused its discretion in denying reconsideration of the determination.

§ 231.6 Determination.

After the filing of response papers or after the time for a party opposing the

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request for review to file a response has elapsed, the Register shall consider the request and any response and shall either deny the request for review or remand the proceeding to the Board for reconsideration of issues specified in the remand and for issuance of an amended *final determination*. The Register will base such a decision on the parties' written submissions.

[87 FR 30090, May 17, 2022; 87 FR 36061, June 15, 2022]

PART 232—CONDUCT OF PARTIES

Sec.

- 232.1 General.
- 232.2 Representations to the Board.
- 232.3 Bad-faith conduct.
- 232.4 Bar on initiating and participating in claims.
- 232.5 Legal counsel and authorized representative conduct.
- 232.6 Representation of business entities.

AUTHORITY: 17 U.S.C. 702, 1510.

SOURCE: 87 FR 20713, Apr. 8, 2022, unless otherwise noted.

§ 232.1 General.

(a) For purposes of this part, a *participant* includes all parties, including any legal counsel or other *authorized representatives* participating in CCB proceedings.

(b) All *participants* shall act with the utmost respect for others and shall behave ethically and truthfully in connection with all submissions and appearances before the Copyright Claims Board (Board).

[87 FR 30090, May 17, 2022; 87 FR 36061, June 15, 2022]

§ 232.2 Representations to the Board.

By submitting materials or advocating positions before the Board, a *participant* certifies that to the best of the *participant's* knowledge, information, and belief, formed after a reasonable inquiry under the circumstances:

(a) It is not being presented for any improper purpose;

(b) Any legal contentions are made in good faith based on the *participant's* reasonable understanding of existing law;

(c) Any factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary