



AMERICAN COMMITMENT



Dear Leader McCarthy and Members of the Republican Caucus:

On behalf of the undersigned organizations and individuals and the millions of Americans we represent, we write to express our strong support for immediate passage of the **Copyright Alternative in Small-Claims Enforcement (CASE) Act, H.R. 2426.**

The Founders recognized the important role intellectual property rights play in a flourishing creative economy when they enshrined copyrights in Article I, Section 8 of the U.S. Constitution to: "...promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Disturbingly, the Founders' promise has been rendered virtually meaningless for individual creators and small businesses as rampant online piracy coupled with the time, expense, and complication of federal litigation has made those rights practically impossible to enforce. As a result, individual creators like photographers, songwriters, visual artists, videographers, writers, and authors have largely been disenfranchised – depriving an accessible remedy to the very creators who need it most.

The CASE Act seeks to address this injustice in a sensible and narrow way by creating a Copyright Claims Board within the U.S. Copyright Office. 100% voluntary, the Copyright Claims Board would be a cheaper, more convenient forum for defendants and copyright owners to resolve disputes – in part by diminishing the cost of litigation for copyright owners while at the same time capping damages for defendants.

Indeed, according to an American Intellectual Property Law Association report, the cost of copyright litigation averages \$397,000¹ – a cost very few individual creators can bear. Additionally, potential damages for federal copyright litigation can theoretically be as high as \$150,000 per work infringed.² The CASE Act diminishes both, freeing creators from the need to hire expensive lawyers and capping statutory damages at \$15,000 total per work infringed for those that choose to use the Copyright Claims Board.

Not only does the CASE act address a clear marketplace failure, it enjoys bipartisan Congressional support having gained 119 co-sponsors in the House and 14 in the Senate. And both the House and Senate Judiciary Committees marked-up the bill in recent months with overwhelming support, clearing the bill's path for consideration by both Chambers.

The economic contributions of the creative economy are significant. Copyright supports 5.7 million jobs and contributes \$1.3 trillion to U.S. GDP³ – numbers that are likely to continue to grow in the digital, knowledge-based economy. As such, providing Main Street creators with much needed tools to help protect their livelihoods in the Digital Age is a common sense, market-oriented proposal.

For the reasons stated above and more we urge you to swiftly pass the CASE Act and send it to your colleagues in the Senate.

Creativity, innovation and the rule-of-law deserve nothing less.

¹ Report from American Intellectual Property Law Association (AIPLA), *2019 Report of the Economic Survey*, at I-208 (2019), <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>.

² 17 U.S.C. §504(c)(2)

³ Stephen Siwek, International Intellectual Property Association, *Copyright Industries in the U.S. Economy: The 2018 Report 3* (2018), <https://iipa.org/files/uploads/2018/12/2018CpyrtRptFull.pdf>.



Sincerely,

Daniel Schneider, Executive Director, American Conservative Union

James L. Martin, Founder/Chairman, 60 Plus

Dick Patten, President, American Business Defense Council

Dee Stewart, President, Americans for a Balanced Budget, Inc.

Phil Kerpen, President, American Commitment

Jerry Rogers, President, Capitol Allies

Jeff Mazzella, President, Center for Individual Freedom

Ginevra Joyce-Myers, Executive Director, Center for Innovation and Free Enterprise

Thomas A. Schatz, President, Council for Citizens Against Government Waste

Curt Levy, President, Committee for Justice

James Edwards, Executive Director, Conservatives for Property Rights

Matthew Kandrach, President, Consumer Action for a Strong Economy

Katie McAuliffe, Executive Director, Digital Liberty

Hance Haney, Director and Senior Fellow of the Technology & Democracy Project, Discovery Institute

Paul Caprio, Director, Family PAC Federal

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