



January 23, 2017

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

I want to take this opportunity to congratulate you on your election as the 45<sup>th</sup> President of the United States and to introduce you to the Copyright Alliance.

The Copyright Alliance is a non-profit, non-partisan organization whose mission is to foster policies that promote and preserve the value of copyright, and to protect the rights of creators and innovators. We are the unified voice of the copyright community, representing the copyright interests of more than 1.8 million individual creators and over 13,000 organizations across the spectrum of copyright disciplines in the United States. The foundation of copyright is built on the creativity and ingenuity of these creators and organizations that rely on copyright, such as authors, photographers, songwriters, musicians, filmmakers, performers, coders, architects, and graphic designers as well as motion picture studios, record labels, book publishers, software and video game companies and numerous others.

Throughout the long history of our country, few, if any, Presidents have had a more sizable and diverse copyright portfolio than you. Your experiences as a businessman have afforded you insights into the value and importance of copyright and how copyright protections help drive the U.S. economy and create millions of well-paying jobs and small businesses.

As you know, few laws and few industries do more to support and propel the U.S. economy and to generate a positive trade balance than copyright law and the copyright industries. In 2015, the core copyright industries added \$1.2 trillion to the US GDP and employed nearly 5.5 million men and women, with average compensation 38% higher than the average for all US workers. From a global perspective, sales of U.S. recorded music, television, video and motion pictures, software, newspapers, books and periodicals in foreign markets amounted to \$177 billion, which exceeds exports of major U.S. industries such as chemicals; aerospace; agricultural; electrical and pharmaceuticals. The growth within core copyright industries far surpasses the average growth rate for other industries; in fact, between 2012 and 2015, those industries grew at a rate of more than 127% greater than the remainder of the economy. These statistics further prove that a strong copyright system that rewards creativity and discourages piracy is essential to a healthy and vibrant economy.

Your Presidential campaign slogan was “Make America Great Again.” One the best ways to accomplish that goal is to empower U.S. creators to innovate and start small businesses. Copyright is a unique form of property that is recognized by the Constitution – Article 1, Section 8, Clause 8 – and is grounded in an individual’s own creativity, hard work, and talent. In many ways, it epitomizes the American Dream. You, as an author and holder of numerous copyrighted works, know first-hand that creators rely on copyright law for their livelihood and careers, and they are harmed when the system fails to adequately protect their valuable creations in the United States and abroad.

The prevalence of piracy in the internet age is a blight on the U.S. economy and culture. Weakening copyright or making it harder for creators and small businesses to obtain or maintain their protections, weakens the value proposition for creators and small businesses and may result in fewer jobs in the copyright industries. We need to enhance the protections afforded to the creative communities, not dilute them.

It’s also important that copyright owners generally realize the value of their work in the free market without the undue constraints of government regulation and control. In limited cases where regulation is deemed necessary and royalties are set by the government rather than the marketplace, the law must ensure copyright owners receive the fair market value for their work.

We hope you will support a strong and vibrant copyright system in the United States that protects copyright holders from online theft and ensures that creators share in the massive profits being made by internet platforms from these copyrighted works.

I have attached the Copyright Alliance’s Policy Framework that provides additional information about the value of copyright and our views. We look forward to working with your Administration on these important copyright issues in the months and years to come.

Thank you for your time and consideration.

Most respectfully,

A handwritten signature in black ink, appearing to read 'Keith Kupferschmid', with a long horizontal flourish extending to the right.

Keith Kupferschmid  
CEO, Copyright Alliance

## **COPYRIGHT POLICY FRAMEWORK FOR U.S. POLICYMAKERS**

*The Constitution, by granting exclusive rights to creators, drives innovation through incentives, fuels the economy, job creation and the success of small businesses, promotes free speech and benefits consumers.*

### **Copyright Reflects a Fundamental Constitutional Property Right**

The Founders recognized the importance of copyright by enumerating it directly in Article I, Section 8, Clause 8 of the Constitution. As one of the few constitutionally enumerated powers of the Federal government, this grant of authority for an exclusive right reflects the Founders' belief that giving someone "the right to their genius" is a significant governmental responsibility, and that ensuring exclusive rights to all creators drives innovation and benefits society.

### **Copyright Fuels our Economy**

Copyright creates jobs and fuels economic growth. In 2015, the core copyright industries added \$1.2 trillion to the US GDP and employed nearly 5.5 million employees, with average compensation 38% higher than the average for all US workers. The growth within core copyright industries far surpasses the average growth rate for other industries; in fact, between 2012 and 2015, those industries grew at a rate of more than 127% greater than the remainder of the economy. A strong copyright system that rewards creativity is essential to a healthy and vibrant economy – it fosters the creation of new small businesses and creates high-paying jobs.

### **Copyright Leads to a Positive Trade Balance**

Foreign sales of U.S. recorded music, television, video and motion pictures, software, newspapers, books and periodicals in amounted to \$177 billion, which exceeds exports of major U.S. industries such as chemicals; aerospace; agricultural; electrical and pharmaceuticals.

### **Copyright Promotes Free Speech and Expression**

Copyright is core to protecting our First Amendment rights of freedom of expression. Freedom of speech and freedom of expression go hand in hand with the freedom to create. The Supreme Court has called copyright the "engine of free expression" and praised its "built-in free speech safeguards." Efforts to diminish creators' rights in the name of "free speech" should be viewed as destructive and dangerous

## **SUPPORT STRONG COPYRIGHT PROTECTION, SUPPORT “AMERICAN GENIUS”**

### **Protecting Copyright is Critical**

The internet can be a great tool for creativity and freedom. It also plays a significant role in promoting internet-based creation and distribution. However, just like all tools, when misused it can harm creativity, stifle freedom of expression and damage the economy. Our people and our economy will be most prosperous when consumers can engage in legitimate activities safely and where bad actors are held accountable. Protecting copyright in the online environment domestically and globally to prevent theft of American property by other countries is critical to the success of the internet and the U.S. economy.

### **Maintaining Strong Copyright Protections Globally is Crucial**

For creators and large and small U.S. businesses, trade agreements containing strong copyright protections ensures that they receive fair compensation in foreign markets and prevents and provides effective remedies against unauthorized uses of their copyrighted works. Unfortunately, many countries have insufficient copyright systems, which creates an environment ripe for piracy and bad for U.S. businesses. It's essential that America maintain its commitment to the right of creators to determine when and how they share their works in the global marketplace and to strong copyright protection consistent with U.S. standards in international trade agreements.

### **Respecting Creators' Property Rights is Essential**

The ability of the internet to deliver great content to billions of users every day is based on the genius of creators whose livelihoods depend on being compensated for their efforts. Internet platforms make massive profits from the use of others' creative property by connecting great content with consumers. In turn, the law should ensure that those platforms respect copyright and compensate creators for the use of their creations that attract people to their sites and services.

### **The Conversation Must Start with Copyright**

Although the technology and copyright communities are often depicted as being at odds with one another, these two communities have much in common. However, some online platforms and their third-party groups repeatedly claim to be pro-creator in order to mask their own self-serving agenda. They denigrate or block effective efforts to preserve and promote creativity and copyright, including enforcement of existing laws and voluntary initiatives. Policymakers ought to be wary of any organization that claims to be "against piracy" when their actions do not match their words.