



March 22, 2019

Honorable Lindsey Graham  
Chairman  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510

Honorable Dianne Feinstein  
Ranking Member  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

We write to express opposition to any effort to reauthorize the Copyright Act's section 119 compulsory license for satellite retransmission of broadcast distant signals.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 1.8 million individual creators and over 13,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

As the unified voice of the copyright community, representing the interests of individuals and organizations across the spectrum of copyright disciplines, the Copyright Alliance has a longstanding position generally disfavoring compulsory licenses because they represent an exception to the exclusive rights of copyright holders to determine the means of distribution for their creative works. The compulsory license for satellite retransmission of broadcast television distant signals, found in 17 USC § 119, was created by Congress in 1988 to foster competition in the video marketplace, and it has been reauthorized five times since then. The section 119 license is set to expire at the end of this year, and the Copyright Alliance does not support any further reauthorization of the license.

Audiences have never had as many options for watching movies, television shows, sports, and other original audiovisual programs. Creating audiovisual works with high production values is an expensive proposition, whether you are an independent documentarian, a major motion picture studio, a television production company, or sports league. The technologies and business models underlying the video industry are evolving daily and at an ever-increasing pace, leading to more flexible options for creators and consumers. This experimentation is healthy and spurs the development of other delivery systems.

The ability to exercise copyright's exclusive rights through licensing is fundamental to



unlocking copyright's full potential, and allows artists to create and distribute their works how they see fit, entrepreneurs to innovate, and markets to operate in this burgeoning environment. The Copyright Alliance believes that creators are most fairly compensated when there are no distortions in the marketplace. We recognize that the licensing marketplace for broadcast television programming is very complex, involving a number of regulatory and statutory provisions spanning the Communications Act and Copyright Act, but that alone is not a compelling reason to retain the compulsory license in section 119. In keeping with our dedication to advocating policies that promote and preserve the value of copyright, we do not support extending the section 119 license.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Kupferschmid".

Keith Kupferschmid  
CEO  
Copyright Alliance

cc:

Senator Chuck Grassley  
Senator John Cornyn  
Senator Michael S. Lee  
Senator Ted Cruz  
Senator Ben Sasse  
Senator Joshua D. Hawley  
Senator Thom Tillis  
Senator Joni Ernst  
Senator Mike Crapo  
Senator John Kennedy  
Senator Marsha Blackburn

Senator Patrick Leahy  
Senator Dick Durbin  
Senator Sheldon Whitehouse  
Senator Amy Klobuchar  
Senator Christopher A. Coons  
Senator Richard Blumenthal  
Senator Mazie Hirono  
Senator Cory Booker  
Senator Kamala Harris