

28 May 2019

The Honorable Lindsey Graham, Chairman  
The Honorable Dianne Feinstein, Ranking Member  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

CreativeFuture is a nonprofit organization that advocates for the creative communities by working to protect creativity and encourage respect for copyright law. We represent a coalition of over 550 organizations and companies and over 220,000 individuals. Many of us make our living creating in film, television, music, publishing, and photography.

We write to express our support for S. 1273, *The Copyright Alternative in Small-Claims Enforcement Act of 2019* (CASE Act), alongside a companion Bill, H.R. 2426, in the House.

In practice, the CASE Act would help America's creative communities by creating a small claims board within the U.S. Copyright Office to hear copyright infringement cases involving smaller dollar amounts. This newly-formed entity would streamline the process for small copyright claims – allowing creatives, who want their works to be protected, to bypass costly litigation in our Federal courts. Small businesses, which make up 84% of the creative industries in the United States, would greatly benefit from this legislation as they look to defend their intellectual property rights.

Today, copyright claims are solely the jurisdiction of our Federal courts, meaning most independent creatives and most small businesses cannot afford to defend their rights when their copyrights are infringed. Appearing in Federal court costs hundreds of thousands of dollars – a non-starter for any creative individual whose work may be worth less than the cost of litigation. Additionally, many attorneys, aware of what is required to be successful in Federal courts, will not even take on these small cases.

Therefore, many creatives are effectively excluded from our current system of remediation because it is simply not realistic or affordable – and the theft of their work often goes unchallenged.

The CASE Act, which was drafted based on recommendations of the U.S. Copyright Office, provides small businesses and independent creatives an avenue to seek relief when their copyrights have been violated. Should the Bill pass, these creatives may, in many cases for the first time, participate in a copyright enforcement system that has a better chance of working *for them* and protecting their livelihoods.

When the idea for a small claims court within the Copyright Office was first introduced to Congress, there was broad, bipartisan support. Some concerns were raised by outside entities, but these have been addressed. For example, any worry that “copyright trolls” would abuse the proposed system has been alleviated by creating stiff penalties for bad faith claims and giving the Copyright Office the authority to limit the amount of cases any individual or entity can bring in a given year.

There is a simple reason to empower individual creatives to affordably protect their work: The creative industries are a significant economic driver, contributing more than \$1.3 trillion to GDP and employing 5.7 million Americans. U.S. core copyright industries are a leading export that outsell other major U.S. industries – including aerospace, agriculture, and pharmaceuticals.

Strong copyright protections are what give our creative communities the freedom to pursue their art as a career, not just as a hobby. Those protections ensure that the years of uncompensated work often required to create a song, craft a film, or write a book can be rewarded with a meaningful return. The CASE Act would finally allow individuals to take advantage of those protections when seeking to be compensated for the theft of their hard-won intellectual property.

We respectfully request that the Senate Judiciary Committee move swiftly to advance S. 1273.

Sincerely,



Ruth Vitale  
CEO, CreativeFuture

Cc: Senator Marsha Blackburn (R-TN)  
Senator Richard Blumenthal (D-CT)  
Senator Cory Booker (D-NJ)  
Senator Christopher Coons (D-DE)  
Senator John Cornyn (R-TX)  
Senator Mike Crapo (R-ID)  
Senator Ted Cruz (R-TX)  
Senator Dick Durbin (D-IL)  
Senator Joni Ernst (R-IA)  
Senator Chuck Grassley (R-IA)  
Senator Kamala Harris (D-CA)  
Senator Joshua Hawley (R-MO)  
Senator Mazie Hirono (D-HI)  
Senator John Kennedy (R-LA)  
Senator Amy Klobuchar (D-MN)  
Senator Patrick Leahy (D-VT)  
Senator Michael Lee (R-UT)  
Senator Ben Sasse (R-NE)  
Senator Thom Tillis (R-NC)  
Senator Sheldon Whitehouse (D-RI)