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June 10, 2019

Hon. Hakeem Jeffries (NY-08)
2433 Rayburn House Office Building
Washington, DC 20515

Re: H.R.2426, CASE Act of 2019, the Copyright Alternative Small-Claims Enforcement Act, SUPPORT

Dear Congressman Jeffries:

Thank you for giving Volunteer Lawyers for the Arts (“VLA”) the opportunity to comment on H.R. 2426, the *Copyright Alternative in Small-Claims Enforcement Act of 2019* (the “CASE Act”), establishing an alternative dispute resolution forum within the Copyright Office for copyright-related small claims. The CASE Act addresses the urgent need of artists and the arts organizations we represent, including visual artists, photographers, filmmakers, songwriters and musicians, for an affordable means of dispute resolution, and is consistent with our mission of service to New York’s low-income artists. VLA gives its unqualified support to this important legislation.

Artists are currently faced with a proliferation of copyright infringement given the ease of access and copying works on the internet. Many infringers cavalierly copy and monetize the creative works of others without authorization, knowing that the only alternative for our low-income artists (and others) is to institute a federal lawsuit at an expense that greatly outweighs the monetary value of the claims. This is often the case involving infringements on the internet, since the cost of a license to use a copyrighted work on a website typically is modest. Frequently, attempts to communicate with the infringer and to seek licenses are ignored. Attorneys, moreover, are extremely unlikely to take these matters on contingency, given their monetary value. Ultimately, the market for the works is harmed because of the infringers’ exploitation of the works without payment to the creators.

Volunteer Lawyers for the Arts

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The CASE Act tribunal will provide a much needed solution to this disenfranchisement. The Act's dispute resolution process is expedited and streamlined, and easily accessible to all copyright owners, who may participate without retaining legal counsel or engaging in lengthy discovery and in-person trials. Artists will be able to affordably challenge the taking and monetizing of their work without an appropriate license. The results will be monetary recoveries of relatively modest amounts that are significant to our low-income artists.

The CASE Act will not only strengthen the protections afforded to artists, but also create meaningful incentives for compliance with existing laws and widely accepted norms of fair dealing. The CASE Act process is voluntary and caps the infringer's damages, incentivizing them to participate in an equitable forum to resolve small copyright infringement claims and to license future uses of artists' works.

Many artists rely on the licensing and selling of their artwork to earn a living. Their ability to enforce their right to do so is critical to their livelihood and to the continued creation of art, which contributes invaluable to our culture and society. The CASE Act will provide creators additional tools to protect their work and their careers, thereby fulfilling the goal of copyright, "to promote the progress of Science and useful Arts. . ."

The CASE Act offers a fair and equitable solution to adjudicating straight-forward, small copyright infringement claims. We appreciate your continued support of the creative community, and particularly New York's low-income artists, through the introduction of the CASE Act. If you have any questions or require any additional information, please do not hesitate to contact me at kwagner@vlany.org or (212) 319.2787 ext. 25.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathryn E. Wagner", with a long horizontal flourish extending to the right.

Kathryn E. Wagner
Executive Director