

ALLIANCE^{FOR} WOMEN FILM COMPOSERS

July 22, 2019

Congressman Jeffries (NY-08)
2433 Rayburn House Office Building
Washington, DC 20515
phone: 202-225-5936

Dear Congressman Jeffries:

The Alliance for Women Film Composers, with a membership of over 400, representing female composers for film and all audio visual media, wishes to voice its support for H.R. 2426, *The Copyright Alternative in Small-Claims Enforcement Act of 2019* (CASE Act), which was introduced in the House on May 1, alongside a companion bill, S. 1273, in the Senate.

Federal courts have exclusive jurisdiction over all copyright claims. Unfortunately, most individual creators and small businesses, which represent a great portion of our female membership, cannot afford to defend their rights in federal court—costs which, on average, amount to \$278,000 —when someone infringes upon their copyrighted works. Individual creators and small businesses are hurt the most by the high cost of federal litigation because the individual value of their works or transactions is often too low to warrant the expense of litigation and most attorneys won't even consider taking these small cases. As a result, these infringements regularly go unchallenged, leading many creators to feel disenfranchised by the copyright system. In effect, we as creators have rights but no remedies.

The CASE Act, which is largely based on the legislative recommendations made by the U.S. Copyright Office in its 2013 study, evens the playing field by providing us with options we don't have today. If passed, this bill would create a voluntary, low-cost, and simplified alternative to federal court. This is an alternative we definitely want and greatly need.

The streamlined process created by the CASE Act would alleviate the need to hire an attorney and limit statutory damages to \$15,000 per claim—one-tenth of the maximum that can be recovered under existing law—as well as limit the total recovery in the case to \$30,000. It's important to note that this new small claims court process

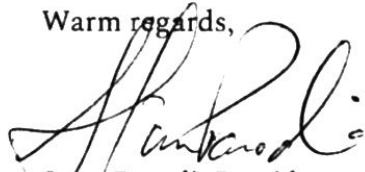
would be completely optional. If we as creators do not want to bring or defend a copyright case before the tribunal, we can simply opt out.

This newly introduced bill effectively addresses the few concerns raised when it was first introduced in 2017. While the original bill enjoyed widespread bipartisan and stakeholder support, some wondered if so-called “copyright trolls” might abuse the system. To address this concern, the penalties for bad faith claims were dramatically increased and a provision was added that grants the Copyright Office the ability to limit the number of cases any one individual could bring per year. Furthermore, in response to concerns about inadvertent default judgements and calls for the system to be changed to an opt-in system, the opt-out period was increased from 30 days to 60 days, and a provision was added to require the Copyright Office to notify the respondent about the action and the consequences of not responding.

As composers, we are proud to be a part of America’s creative lifeblood. We are important to this country’s economy and culture, and we need your help to protect ourselves from copyright infringement. When we have the tools to fight those who try to steal our work, we are better able to support ourselves financially and continue to contribute to our country’s vibrant artistic landscape. The CASE Act gives us these much-needed tools.

We urge every member of the Committee to show their support for individual creators and small businesses by co-sponsoring the CASE Act.

Warm regards,



Starr Parodi, President
Alliance for Women Film Composers



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cc: House Judiciary Committee members