



**Conservatives  
for  
Property Rights**

July 11, 2019

The Honorable John Kennedy  
416 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Kennedy:

Conservatives for Property Rights (CPR) writes in support of the Copyright Alternative in Small-Claims Enforcement (CASE) Act, S. 1273.

CPR emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. The right to private property ranks among the unalienable rights the Founders referenced in the Declaration of Independence. Thus, property rights should not be considered a conservative or liberal issue, although this coalition approaches property rights from a conservative philosophical perspective.

The bipartisan CASE Act takes a constructive approach of creating a voluntary, streamlined arbitration process for resolving small-claims copyright infringement matters. S. 1273 would strengthen private property rights in the creations of the largest segment of the copyright community, small creators such as photographers, songwriters, visual artists, videographers, writers, and authors. The Professional Photographers of America witness testified of this legislation that “there is no discussion that will affect more small businesses — more mom-and-pop creators — than that of establishing a small claims system.”

The CASE Act would provide independent, Main Street intellectual property owners a viable means of pursuing lost revenues from the unauthorized use of their creative works. Presently, the remedy of federal court is too expensive where copyright infringement involves small claims. Three-fourths of the time, small creators’ damages amount to \$3,000 or less. Attorneys generally cannot afford to take a case where damages from copyright infringement are less than \$30,000.

Under S. 1273, copyright owners could seek redress by an alternative dispute resolution-type proceeding through a Copyright Claims Board to be housed in the U.S. Copyright Office. This is important from a private property rights perspective because the practical inability to enforce one’s property rights against those who infringe his or her copyrighted creations — literary, graphic, or otherwise — effectively deprives the creator of a property right.

*“protecting the exertions of talents and industry . . . securing to them their justly acquired fruits”  
— Alexander Hamilton*

Conservatives for Property Rights commends the Copyright Alternative in Small-Claims Enforcement Act and looks forward to working with you and your cosponsors in strengthening the intellectual property rights of the hundreds of thousands of small creators.

Sincerely,

James Edwards  
Executive Director  
Conservatives for Property Rights

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