

Shaftel & Schmelzer

Lisa F. Shaftel • 24 Warren Rd. • Framingham, MA 01702 • lisa@s2do.com • 617-755-1240

John P. Schmelzer • 1002 South Wesley Ave. • Oak Park, IL 60304 • jtheppen@ameritech.net • 708-386-4005

CASE Act (Copyright Alternative in Small-Claims Enforcement Act) of 2019 Letter of Support, April 30, 2019

The CASE Act establishes a “small-value copyright court” within the Copyright Office so that copyright owners can pursue infringement cases where damages are too low for cost-effective litigation in federal court. Visual creators’ organizations have been asking for this recourse for creators’ lost income for well over ten years.

THE CURRENT SITUATION

There are many businesses large and small that have been built on the model of not paying for the images they use. Licensing images—certainly for commercial reproduction and display—is a standard and customary business practice for creators and users of images. It is the cost of doing business, as well as a legal obligation for the user.

Using images without permission and without paying a licensing fee to copyright owners is simply stealing. Authors and creators trying to earn a living from their work suffer death by a thousand cuts with no practical legal recourse to stop the bleeding.

THE CASE ACT IS THE SOLUTION

The CASE Act creates a simplified and less costly alternate dispute resolution process for creators and copyright owners to recover the licensing fees owed them by businesses that have already made unauthorized use of their photos, illustrations and graphics. The ADR process will provide the means for authors and creators to get injunctive relief from an offensive/unauthorized use of their work as well. It also serves notice to the business community that there will be a low cost legal opportunity for authors and creators to enforce their ownership and copyrights, and underscores the value of creative works.

The CASE Act doesn’t change copyright law, nor does it change our court system. The CASE Act would level the playing field by enabling authors and creators to enforce their copyrights without being required to hire an attorney and file a lawsuit in federal court that would cost more than the damages they’ve suffered.

We support and thank Congressman Hakeem Jeffries and Congressman Doug Collins, Senators John Kennedy, Thom Tillis, Dick Durbin, and Mazie Hirono for protecting the legal rights of individual creators and small creative businesses with the CASE Act of 2019.

Respectfully Submitted,

Lisa F. Shaftel and John P. Schmelzer