

September 4, 2019

The Honorable Hakeem Jeffries
1607 Longworth House Office Building
Washington, DC 20515

Re: H.R. 2426- The CASE Act

Dear Representative Jeffries:

Thank you for introducing and working for the passage of the Copyright Alternative in Small-Claims Enforcement (CASE) Act. Your advocacy is a testament to your appreciation of the work of creators and small businesses and their need for a forum to enforce their intellectual property rights.

We write both to congratulate you on the broad bi-partisan support the CASE Act has garnered, with 84 cosponsors, and to commend the Act to the members of the House Judiciary Committee when it convenes to mark up this legislation. We note that the companion bill, S 1273, introduced by Senator Kennedy, was reported favorably by the Senate Judiciary Committee earlier this year.

As scholars we are interested in ensuring that the benefits of copyright protection are available to all authors. Unfortunately, because copyright law is a creature of federal statutes and copyright claims may only be enforced in federal court - where litigation is very costly and complex- the benefits of protection are illusory to many individuals and small businesses. The CASE Act would solve this problem by creating a small claims forum in the Copyright Office, which would expeditiously resolve claims of limited monetary value voluntarily submitted to the tribunal by the parties. This proposal has been developed and vetted by scholars, practitioners and industry in numerous regulatory and legislative proceedings over the course of more than a decade.

We believe this is a sound and much needed approach which provides access to justice for long disenfranchised creators, and is consistent with non Article III adjudication blessed by the courts.

Several of the signatories to this letter not only teach and conduct research in intellectual property law, but actively represent individuals and small businesses in the arts through entities such as the Arts and Entertainment Advocacy Clinic and the newly launched Innovation Law Clinic at George Mason's Scalia Law School, the Institute for IP and Social Justice, the MSU Intellectual Property & Entrepreneurial Law Clinic, and various Volunteer Lawyers for the Arts organizations. These representations provide a unique perspective on the many challenges facing creators and copyright owners. We stand ready to answer any questions about how the approaches taken in the bill will benefit these entities.

You may also wish to recommend to your colleagues an article, forthcoming in the George Mason Law Review by Professor Sandra Aistars:

Aistars, Sandra, *Ensuring Only Good Claims Come in Small Packages: A Response to Scholarly Concerns About a Proposed Small Copyright Claims Tribunal* (February 23, 2018). George Mason Legal Studies Research Paper No. LS 18-02. Available at SSRN: <https://ssrn.com/abstract=3129035>.

We hope that our perspectives are helpful in the legislative discussions as the CASE Act moves forward, and we thank you for your valued support of this important initiative.

*Best Regards

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