

For Immediate Release

## **CASE ACT PASSES U.S. HOUSE OF REPRESENTATIVES**

*Authors Guild Playing Key Advocacy Role in Encouraging Congress to Enact New Law*

NEW YORK (October 23, 2019)—Authors and other creators had a major victory yesterday in the U.S. House of Representatives. The House passed the CASE Act (H.R. 2426) by an overwhelming vote of 410-6, bringing authors and creators one step closer to an affordable legal venue for their copyright claims.

“Copyright law should protect all creators, but the unfortunate fact is that it only protects those who can afford the high costs of federal court and legal representation. The CASE Act will change this by providing creators with a voluntary, inexpensive and streamlined alternative that they can use to protect their rights, their creativity and their livelihoods,” said Authors Guild Executive Director Mary Rasenberger.

The Copyright Alternative in Small-Claims Enforcement (CASE) Act would create an administrative tribunal within the U.S. Copyright Office to hear copyright claims up to \$15,000 per claim and an aggregate of \$30,000, providing an alternative to costly federal litigation. The cost of bringing a claim would range between a minimum of \$100 and a maximum of the filing cost of an action in federal district court (currently \$350), and the claims would be heard by a panel of three Copyright Claims Officers appointed by the Librarian of Congress, at least two of whom must have experience representing both owners and users of copyrighted works. An opt-out process built into the legislation ensures that the tribunals adhere to constitutional requirements. The legislation ultimately ensures that middle-class creators and other copyright owners who depend on copyright for their livelihoods have access to justice and are able to hold infringers accountable—litigation in federal court, currently the only means of copyright enforcement, can cost several hundred thousand dollars at a minimum.

### **Why the CASE Act Is Needed**

Copyright law is the backbone of the publishing industry and the lifeblood of writers and other content creators. It puts food on the table and pays the rent. It allows an author to write the next book or article, the photographer to set up the next shoot, the songwriter to keep writing music. The internet has made it easier for content creators to distribute their work to the world—but it’s also made it easier to steal or exploit others’ creative work in violation of the creators’ copyrights.

A 2017 Nielsen consumer survey found that ebook piracy racks up \$315 million in losses annually for U.S. book sales, taking a huge bite out of authors’ earnings, be they traditionally or independently published. Meanwhile, explosive growth in the sale of counterfeit books and other deceitful schemes has been enabled by third-party-seller platforms like Amazon and eBay. All of these give rise to claims of copyright infringement that could be disposed of by a small claims tribunal, providing greater accountability for intellectual property theft.

### **Role of the Authors Guild**

As the nation's oldest and largest professional author association, the Authors Guild has advocated for the establishment of such a copyright small claims tribunal for years; as early as 2006, the Guild testified on the matter before the U.S. Copyright Office and participated in the Copyright Office's multi-year study of the issue, culminating in 2013 with a report recommending legislation to create a small claims tribunal, and we have actively worked on crafting the bills in this and the past two Congressional sessions, lobbying members of Congress and activating grassroots support in conjunction with other creator organizations. The resounding success of the bill in the House of Representatives (the bill had 152 co-sponsors) is a testament to the advocacy of the creative community who tirelessly worked to be heard in the halls of Congress.

### **Next Steps**

We are not at the finish line yet. The legislation still needs to be passed by the Senate, and two Senators have placed a hold on the legislation: Senators Wyden (D-OR) and Rand (R-KY). The Guild is working to help persuade Senators Wyden and Rand about the CASE Act's benefits and to try to address any concerns they may have.

“We are asking anyone who cares about protecting the copyrights of writers, musicians, photographers and other creatives to contact their U.S. Senators and ask them to support passage of the CASE Act,” said Rasenberger. “America has always prided itself on innovation and creation; surely content creators deserve the chance to protect how their work is distributed and have the right to make a living from what they labored over so many months and years to create?”

### **About the Authors Guild**

The Authors Guild is the nation's oldest and largest professional organization for writers. Its mission is to empower working writers by advocating for the rights of authors and journalists. The Guild protects free speech and authors' copyrights, fights for fair contracts and a living wage and provides an engaged and welcoming community for all published authors. For more, visit [www.authorsguild.org](http://www.authorsguild.org).

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