

From: Senator Ron Wyden
Sent: Jan 27, 2020 7:33 AM
To: [REDACTED]
Subject: Response from Senator Ron Wyden to your e-mail

Dear Mr. [REDACTED]:

Thank you for contacting me to share your thoughts on the Copyright Alternatives in Small-Claims Enforcement (CASE) Act. I appreciate hearing from you on this important issue.

Throughout my service in Congress, I have long believed we need a strong, but balanced, copyright system that not only protects artists and creators, but also fosters innovation, freedom of expression and education. I also know that this critical system of laws and rules only works if it works for everyone, meaning that individuals and small businesses must have the same rights - and the same ability to enforce those rights - as big corporations. Unfortunately, because federal court can be costly and time-consuming, individual creators are much less likely than large companies to enforce their rights when their creations are stolen for unfair gain.

This is certainly a problem. But the CASE Act, as currently drafted, does not strike the right balance. This legislation would create within the U.S. Copyright Office a "Copyright Claims Board," an extrajudicial, virtually un-appealable tribunal that could impose damages of up to \$30,000 per action for infringed works. These damages could be assessed against a kid who posts a couple of memes on social media - even if they caused no economic harm to the creator. A judgment of \$30,000 is enough to bankrupt many Americans and their families, and it is a far greater amount than Americans can recover in most state small-claims court. With virtually no judicial review, this system could stifle the legitimate fair use of content and lead to abuse of the system by bad actors who harass and threaten innocent internet users to win settlements. I am concerned that the current version of the CASE Act would have a chilling effect on freedom of expression in Oregon and across the country without safeguards to prevent its abuse.

I know there is a better way to protect Americans' due process rights and First Amendment values while also protecting authors, photographers, graphic designers and other creators can protect their works and earn a living. Please rest assured that I will continue to work to address these concerns with the bill's sponsors so that we can pass a version of the CASE Act that strikes the right balance.

Again, thank you for keeping me apprised of the issues that are important to you. If I may be of further assistance in the future, please don't hesitate to contact me.

Sincerely,

Ron Wyden
United States Senator