



INSTITUTE FOR INTELLECTUAL PROPERTY
& SOCIAL JUSTICE, INC.

ADVANCING IDEAS
ENCOURAGING ENTERPRISE
PROTECTING PEOPLE

May 3, 2019

Congressman Hakeem Jeffries
2433 Rayburn House Office Building
Washington, DC 20515

Re: The Copyright Alternative in Small-Claims Enforcement/CASE Act of 2019 (HR 2426)

Dear Congressman Jeffries,

The Institute for Intellectual Property and Social Justice (IIPSJ) applauds the introduction of the Copyright Alternative in Small-Claims Enforcement Act of 2019 (HR 2426). IIPSJ was established to address the social justice implications of intellectual property law and policy both domestically and globally. IIPSJ's work ranges broadly, and includes the scholarly examination of intellectual property law from the social justice perspective; advocacy for social justice-cognizant interpretation, application, and revision of the intellectual property law; efforts to increase the diversity of the intellectual property legal bar; and programs to empower historically and currently disadvantaged and marginalized communities through the development, protection, use, and exploitation of intellectual property.

The CASE Act addresses a critical problem in the copyright ecosystem- the practical inability of many individual and small business copyright owners to seek legal redress for copyright infringement. Even in cases of blatant and willful disregard of their rights, many individual and small business copyright owners lack the resources to protect their rights in the courts. The cost and complexity of even routine copyright litigation often renders the courts beyond the reach of such rightsholders, especially those in marginalized communities. Involving typically modest monetary damages, the contemplated recoveries are dwarfed by the cost of litigation. Consequently, many legitimate claims simply go unaddressed, a "lack of access to justice" problem that is all too familiar in certain strata and segments of American society.

The inability to protect the personal investment involved in one's creative labors can all but extinguish the impetus to participate in the copyright system. While certainly some artists, scholars, and activists produce expressive works irrespective of the prospects for commercial reward, many others have no choice but to abandon such endeavors to pursue vocational

activities wherein their rights are better protected. If nothing else, a day of even minimum wage labor will result in a paycheck, however small. Moreover, even where creative works are produced notwithstanding these issues, the incentives to register and/or widely disseminate such expressive and informative output are greatly diminished. Such outcomes undermine the very purpose of copyright, particularly where society is denied the unique voices and insights borne of marginalized perspectives.

The Constitutional copyright mandate is to promote the advancement of American culture. With the advent of digital information technology and the Internet, many marginalized artists, scholars, activists, and entrepreneurs enjoy unprecedented opportunities for self-expression and socio-economic empowerment. Passage of the CASE Act will help to ensure that these and other creators who embrace these opportunities to contribute to our nation's cultural storehouse will also enjoy the legal protections and pecuniary rewards that Congress intended to include among the fruits of their expressive labors.

Respectfully Submitted,

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