



MUSIC CREATORS NORTH AMERICA
5120 Virginia Way, Suite C22
Brentwood, TN 37027

January 26, 2017

The Honorable Robert Goodlatte
Chairman, House Committee on the Judiciary
U.S. House of Representatives

The Honorable John Conyers
Ranking Member, House Committee on the Judiciary
U.S. House of Representatives

Re: Copyright Small Claims Legislation

Dear Chairman Goodlatte and Ranking Member Conyers,

Music Creators North America (MCNA) is the umbrella coalition for groups representing the rights and interests of composers and songwriters in the US and Canada. Each of our member organizations is run exclusively by and for music creators. As such, MCNA's members serve as the pure voice on behalf of a half-million songwriters and composers located in North America, and through our global alliances, throughout the world.

We write today to thank your Committee for its recent invitation regarding the submission of comments in response to the December 6, 2016 policy proposal on Copyright Reform. We are pleased to participate in that process, particularly in regard to pointing out the enormous importance to the American, Canadian and global songwriter community of the establishment in the United States of a small claims copyright infringement adjudication process.

The serious problems facing the songwriter community in regard to rights enforcement was well explained by songwriter and MCNA co-chair Rick Carnes in a recent statement he made upon introduction of the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2016 by Congressman Hakeem Jeffries (D-NY) and Congressman Tom Marino (R-PA):

"How many times in a dispute have you heard someone say, 'Let's not make a Federal case out of this.' Everyone knows that the enormous cost and energy it takes to prosecute a case in Federal Court is beyond the means of most citizens, and rarely makes financial sense, except as to those rare claims for damages in the millions of dollars. But 'making a Federal case of it' is exactly what an individual songwriter must currently do under the law if any of his or her songs are used without permission and infringed.

The average cost to bring a single, full-blown copyright infringement claim today is estimated to approach \$350,000 in legal fees and costs. At the same time, statutory damages for such infringements are currently capped under the US Copyright Act at less than half that amount per title!

The Copyright law is useless to songwriters when the cost of enforcement of our rights far exceeds the compensatory damages able to be recovered against infringers.”

We would be remiss not to also point out that there are currently no viable options regarding litigation for music creators to be found in the US Copyright Act. Music creators daily watch with dismay as they see their work being streamed without authorization on YouTube, because sending take-down notice after take-down notice is followed by the reposting of the work minutes or hours later. This process quickly devolves for composers and songwriters into nothing more than an expensive, un-winnable game (in both time and resources) of “whack-a-mole” against infringers.

MCNA asks the Committee to take note of the tremendous losses being suffered by the songwriter and composer community through the inability to enforce their Congressionally-granted rights in a cost-effective way.

We believe that absent the establishment of the fair, opt-in small claims system being proposed, these problems will persist in ways that cause grave harm not only to individual American music creators, but to global musical culture as a whole.

MCNA endorses the statements of its individual member groups submitted independently of these comments, and looks forward to taking an active role in assisting the Committee in any ways it deems appropriate regarding further comments and suggestions.

Sincerely,



Eddie Schwartz
Co-Chair,
Music Creators North America

As designated signatories for all heads of the MCNA

On behalf of:

The Songwriters Association of Canada (SAC)
The Songwriters Guild of America (SGA)
The Songwriters Guild of America Foundation (SGAF)
The Society of Composers & Lyricists (SCL)
The Council of Music Creators (CMC)
The Screen Composers Guild of Canada (SCGC)
Songwriters of North America (Los Angeles Branch) (SONA)

cc: Charles J. Sanders, Esq.