



American Society of Media Photographers

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
U.S House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte and Ranking Member Nadler:

The American Society of Media Photographers (“ASMP”) writes to respectfully urge the House Judiciary Committee to vote promptly on the H.R. 3945, *The Copyright Alternative in Small-Claims Enforcement Act* (CASE Act). ASMP fears that unless the House Judiciary Committee approves the CASE Act in the next few weeks that time will not permit Congress to adopt and the President to sign this critical legislation into law before the conclusion of the current Congress later this year and that hundreds of thousands of individual creators and small businesses, including ASMP’s approximately 5,000 members, will continue to be “second class citizens” in our federally created copyright system.

For nearly seventy-five years, ASMP has promoted the interests of independent professional photographers who earn their living making photographs for publication. Our nearly 5000 members represent literally every genre of professional photography intended for commercial publication (as opposed to photographs intended for individual consumers). Throughout his history ASMP has supported a strong copyright system as being crucial to providing incentives to individual creators and small business people. Today, however, the copyright system unfortunately, all too often fails our members and others similarly situated. Most problematic is the fact that these copyright owners are unable to seek legal relief when their copyright rights are infringed because of the prohibitive expenses of filing and maintaining a copyright infringement suit in federal court—the exclusive means available to bring a legal action against alleged infringers.

This intolerable and grossly inequitable situation would be rectified if the CASE Act were to become law. If enacted, the CASE Act would create a tribunal within the Copyright Office that would provide a much-needed, streamlined, cost-effective system and fair alternative to federal court litigation. As introduced, provides a fully voluntary system that allows is respectful of constitutional norms and the interests of both claimants and respondents who appear before the small claims tribunal. Recently, the sponsors of the CASE Act issued a new discussion draft of HR 3945. This draft makes additional changes to the bill in response to some concerns raised by a few entities in the past few months. ASMP believes that these changes respond effectively to these concerns and that the discussion draft deserves the support of you and your colleagues on the House Judiciary Committee.

In conclusion, ASMP appreciates greatly your joint interest in enacting legislation to better protect the property rights of individual creators and small business people and, again we respectfully urge the Committee to take up the CASE Act expeditiously.