The Copyright Alliance, on behalf of our membership, submits this statement of opposition for the record concerning the hearing on HB 6829 before the Connecticut House Government Administration and Elections Committee. We urge the Committee to oppose this bill that attempts to legislate in areas that fall within the scope of federal copyright law and, therefore, are under the exclusive jurisdiction of Congress, and would harm authors, publishers, and other creators.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The Copyright Alliance represents the copyright interests of over 15,000 organizations in the United States, across the spectrum of copyright disciplines, and over 2 million individual creators, including photographers, authors, songwriters, coders, bloggers, artists and many more individual creators and small businesses that rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

For years, various organizations have unsuccessfully lobbied Congress to weaken federal copyright protections. Because Congress has not agreed that copyright should be weakened, these groups have now decided to circumvent Congress’ authority by lobbying state legislatures to enact the very same legislation that Congress would not. This has resulted in a recent influx of state legislation like HB 6829 that would regulate licensing terms between publishers and libraries—imposing government-mandated terms and price caps and eviscerating the national, uniform copyright framework.

Since copyright is under the exclusive jurisdiction of Congress, legislation like this is inappropriate at the state level and runs the risk of being struck down. In fact, similar legislation has been struck down or vetoed in three other states already—Maryland, New York and Virginia. Earlier this year, legislation in Virginia (SB1528) nearly identical to HB 6829 was rejected unanimously in committee. In December 2021, New York Governor Kathy Hochul vetoed legislation which similarly sought to regulate licensing terms between book publishers and libraries (A5837B), explaining that “[b]ecause the provisions of this bill are preempted by
federal copyright law, I cannot support this bill;”¹ and in Maryland, after its bill was signed into law, the U.S. District Court for the District of Maryland held the bill to be unconstitutional. We believe these bills act as a cautionary tale for states like Connecticut that are considering similar legislation.

The individual creators and organizations that we represent—including the many creators who hail from the great state of Connecticut—rely on a strong federal copyright system to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy. The strength of our copyright system relies in large part on the uniformity of copyright laws across the United States, guaranteed by both the Supremacy Clause of the U.S. Constitution, and by the Copyright Act. HB 6829 undermines that important legal system and threatens the ability of authors and publishers to create and disseminate books to the public.

We respectfully ask that the House Government Administration and Elections Committee reject HB 6829. Please let us know if we can provide additional information or answer any questions regarding our opposition to this bill.

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Copyright Alliance