

# CreativeFuture

Creativity. Innovation. Tomorrow.

14 May 2018

The Honorable Chuck Grassley, Chairman  
The Honorable Dianne Feinstein, Ranking Member  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We write to express our support for S. 2823, a comprehensive legislative package that would bring our country's outdated music licensing system into the digital age and ensure proper protection and compensation for all participants in the music marketplace. This landmark Bill encompasses three Bills introduced earlier in this Congress: the Music Modernization Act (MMA) (S. 2334), the CLASSICS Act (S. 2393), and the AMP Act (S. 2625).

On April 25, 2018, the House passed the Music Modernization Act (H.R. 5447) as a comprehensive legislative package embodying the substantive provisions of all three of the Senate Bills by a unanimous 415-0 vote. This monumental achievement mirrored the House Judiciary Committee's similarly unanimous 32-0 vote. We are grateful that the Senate has now taken up these three Bills as part of a similarly comprehensive legislative package in S. 2823. We are highly supportive of this effort because this Bill is not only important to music, but to all creative communities.

CreativeFuture is a nonprofit coalition of more than 530 companies and organizations and more than 160,000 individuals – from film, television, music, book publishing, photography, and other creative industries. Even though a filmmaker may not be a musician and a photographer may not be an author, creatives derive inspiration from and rely on each other to tell their own stories. In the end, creativity is what binds these communities.

Take the relationship between music and movies: Imagine *Rocky* or *The Godfather* without their iconic themes. Or *Star Wars*, *Superman*, or *Indiana Jones* without John Williams' soaring scores. Just two musical notes from *Jaws*' soundtrack are enough to make people panic at the beach! Music enhances these films – and all arts – heightening emotional impact and inscribing shared experiences into our collective memories. Of course, it is also a fundamental component of our creative economy. But that economy can only thrive in a system based on laws that reflect the digital age. We can establish that system by passing S. 2823.

The MMA (S. 2334, now reflected in Title I of S. 2823) updates our musical works licensing regime to create a more robust and efficient system. The AMP Act (S. 2625, now reflected in Title III of S. 2823) codifies a well-established method of providing direct payment to music producers and engineers. Finally, the CLASSICS Act (S. 2393, now reflected in Title II of S. 2823) corrects a long-standing injustice in our federal law whereby sound recordings made before February 15, 1972 are not guaranteed protection and compensation under the Copyright Act, while recordings made after that date are.

A few loud voices have cynically claimed that pre-1972 artists deserve less than full protection for their works and have even suggested leaving the CLASSICS Act out of any package of music bills. Their arguments, however, are simply rooted in their consistent hostility toward all things copyright.

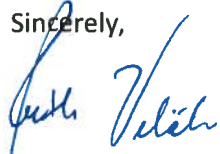
We do not believe it is fair that even dedicated movie music channels like SiriusXM's Cinemagic, which must pay sound recording performance royalties under the Copyright Act when they play Kenny Loggins' "Footloose" (1983) or Celine Dion's "My Heart Will Go On" (1997), do not have to pay the same royalties for Henry Mancini's "The Pink Panther Theme" (1963), or Simon & Garfunkel's "The Sound of Silence," "Mrs. Robinson," or any of the other incredible songs from the 1968 soundtrack of The Graduate. That's villainous in the classic movie sense!

Fair compensation for both pre- and post-1972 artists and musicians should not be controversial. However, omitting this long-overdue correction from a package of important music modernization bills certainly would be controversial – not to mention an injustice against our most cherished artists and musicians.

We respectfully request that the Senate Judiciary Committee move swiftly to advance S. 2823. Additionally, we hope that the efforts by special interest groups to weaken this legislation are seen for what they are – baseless attempts to erode protections for creatives.

Thank you very much for your support of this historic recognition of America's creative heroes.

Sincerely,



Ruth Vitale  
CEO, CreativeFuture

Cc: Senator Richard Blumenthal (D-CT)  
Senator Cory Booker (D-NJ)  
Senator Christopher Coons (D-DE)  
Senator John Cornyn (R-TX)  
Senator Mike Crapo (R-ID)  
Senator Ted Cruz (R-TX)  
Senator Dick Durbin (D-IL)  
Senator Jeff Flake (R-AZ)  
Senator Lindsey Graham (R-SC)  
Senator Kamala Harris (D-CA)  
Senator Orrin Hatch (R-UT)  
Senator Mazie Hirono (D-HI)  
Senator John Kennedy (R-LA)  
Senator Amy Klobuchar (D-MN)  
Senator Patrick Leahy (D-VT)  
Senator Michael Lee (R-UT)  
Senator Ben Sasse (R-NE)  
Senator Thom Tillis (R-NC)  
Senator Sheldon Whitehouse (D-RI)