



Representative Jerrold Nadler
2132 Rayburn House Office Building,
Washington, DC 20510

Senator Marsha Blackburn
357 Dirksen Senate Office Building,
Washington DC 20510

March 2, 2020

**Re: Institute for Intellectual Property and Social Justice Support for the
Ask Musicians For Music Act of 2019 (H.R. 5219, S. 2932)**

Dear Congressman Nadler and Senator Blackburn:

The Institute for Intellectual Property and Social Justice (IIPSJ) applauds the introduction of the Ask Musicians For Music Act of 2019 (AM/FM Act). IIPSJ was established to address the social justice implications of intellectual property law and policy both domestically and globally. This includes the scholarly examination of intellectual property law from the social justice perspective; advocacy for social justice-cognizant interpretation, application, and revision of intellectual property law; and programs to empower marginalized communities through the protection, use, and dissemination of intellectual property.

The AM/FM Act begins to address the inequities between intellectual property rights-holders and the broadcast industry. This is especially poignant for artists of color, who have endured a long history of disenfranchisement when it comes to controlling and protecting their creative works, and often had little access to royalties garnered by the broadcast of their music.

If enacted, this bill would give artists and copyright owners the right to decide whether AM/FM radio may use their work and negotiate how they will be compensated. This is especially critical to fulfilling the mission of our country's system of copyrights by providing essential protections for recorded ideas, from start to finish. Without the ability to regulate radio play of their music, many artists have lacked the legal protections and pecuniary rewards that Congress intended to include among the fruits

of their expressive labors. In 2018 alone, radio broadcasters received revenues of just over \$20 billion¹. This is revenue mostly generated by advertising sold against an audience tuning in on the promise of enjoying the work of their favorite artists.

The Constitutional copyright mandate is to promote the advancement of American culture. The passage of the AM/FM Act is an opportunity for historically disadvantaged creators to enjoy fair compensation for their ideas and expressions, while sending a message to the copyright ecosystem that broadcasters and creators must be equal partners in the entertainment industry. With your leadership, the passage of the AM/FM Act will finally remedy an inequity that has robbed music creators of their ability to fairly participate in the entertainment industry and control the distribution of their art.

Respectfully Submitted,

Lateef Mtima
Founder, Director
Institute for Intellectual Property & Social Justice

Kimberly Tignor
Executive Director
Institute for Intellectual Property & Social Justice

¹ United States; US Census Bureau; 2018.