



Advancing a Pro-Innovation, Pro-Creator, Pro-Consumer Copyright Agenda

Re:Create is a coalition founded to engage policymakers and the public on how balanced copyright enables free expression, creativity, and innovation. Collectively, the [members of Re:Create](#) represent over 100,000 libraries that are visited by the public 1.5 billion times per year; public interest think tanks and legal teams that fight censorship by repressive regimes globally and defend free expression, privacy, and free enterprise domestically; technology companies large and small that provide tools and platforms enabling creators to lawfully reach a global audience that can launch and sustain their careers; authors who engage with culture to create transformative literary and visual works; advocates who defend the interests of startups and entrepreneurs who power the 21st Century economy; and companies, institutions, and individual users who generate billions of dollars in revenue for the motion picture, recording, publishing and other content industries.

Copyright law's regulation of expression and innovation impacts us all. The limited monopoly privileges it grants to copyright holders can motivate their work, but extreme interpretations and abusive enforcement of copyright hurt creators and the public alike. The U.S. government should seek the appropriate balance in copyright law. To unlock the fullest potential of the innovative and creative spirit of all Americans, these are our balanced copyright priorities for 2025:

Protect Fair Use, America's strategic advantage in copyright law. Fair use is the use of copyrighted works for new, transformative purposes, and fair uses do not require the permission of the copyright holder. Our long-standing commitment to protecting fair use drives U.S. global leadership on free expression, creativity, and innovation. Content creators depend on fair use, as do schools, libraries, journalists, and religious institutions. Fair use enables established technologies like web search and interoperable software development, protects critique and parody, and powers cutting-edge tech like machine learning and generative AI.

Without fair use, copyright holders could silence critics, block research, censor parody, kill new technologies, and throttle their competitors. As the Supreme Court has observed, fair use is a "built-in free speech safeguard" that ensures copyright is consistent with the First Amendment. Fair use's flexibility ensures that copyright can accommodate new technologies without the

need for new legislation. Congress should continue to support and strengthen fair use. Accordingly:

- **Re:Create [opposes](#) *NO FAKES, COPIED, TRAIN*, and similar bills that would block judicial application of fair use.** These bills leapfrog complex, ongoing litigation about the application of fair use, blocking courts from playing their vital role of applying settled fair use principles to new technology. Fair use will play a crucial role in fostering a robust and competitive artificial intelligence (AI) marketplace, as machine learning depends on transformative copying. Fair use enables research at universities and non-profits and even empowers critics and watchdog groups to evaluate and critique AI technology. Forcing a license for all AI training would chill AI research and use in the public interest, lead to a massive tax on AI research and development that would close the door to startups and SMEs, and ensure that only a few dominant businesses have access to the technology. Congress should let disputes over copyright and AI play out in courts, where fair use principles can be used to separate innovators from infringers.
- **Re:Create [opposes](#) the *JCPA*,** which attempts to force licensing of fair uses and even uses of uncopyrightable content. Bills like the *Journalism Competition and Preservation Act (JCPA)* force an end run around core free expression and copyright law.

Protect the right to repair devices you own. Copyright laws, especially the digital locks provisions in the [Digital Millennium Copyright Act \(DMCA\)](#), have been abused by greedy companies to prevent access to and repair of anything that has software in it. Repairing cars, tractors, phones, washing machines, refrigerators and anything else that has software in it can require permission and even high licensing fees. Farmers struggle to repair their own tractors and small business repair shops are unable to support their customers at lower prices. Re:Create agrees with the Librarian of Congress and the NTIA, who both [recognized](#) last year that the 20-year-old exceptions process in the *DMCA* does not adequately protect owners' rights or the right to repair.

Restore fair use rights for digital works in schools and libraries. Libraries and schools depend on fair use and other rights enshrined in the *Copyright Act*. Because digital works are typically licensed rather than purchased, library rights may be nullified by publishers' one-sided license agreements. This has had an outsized effect on the cost, accessibility, and usability of digital copies of works. License terms can restrict how libraries and patrons use the works, hindering functions like preservation, long-term access, and computational research. Re:Create supports a federal solution that would prevent license agreements from overriding library and user rights and impeding mission-critical activities like fair use, research, and preservation.

Preserve the Constitutional purpose of copyright: “to promote the Progress of Science and useful Arts.” The Founding Fathers made it plain: the purpose of copyright is to promote creativity, innovation, and access to information for the benefit of the American people. Rightsholders receive a “limited” set of rights as an inducement to create and share expressive works. The public also has rights to access and reuse those works. All copyright-related policies should ensure that copyrights are appropriately balanced to preserve free expression, free enterprise, and innovation. Accordingly:

- **Re:Create [opposes](#) the *NO FAKES Act*** and any similar bill that would exceed Congress’s IP power under the Constitution by creating property rights in facts, such as a person’s appearance.
- **Re:Create [calls](#) on Congress to include all stakeholders**, not just the massive entertainment industry trade groups, at every stage of copyright policymaking.
- **Re:Create urges lawmakers to assess copyright-related government agencies such as the Copyright Claims Board** in light of whether they efficiently and effectively foster innovation, creativity and a balanced copyright system.

Ensure strong safe harbors for Internet platforms continue to enable speech and commerce online. The [Digital Millennium Copyright Act \(DMCA\)](#) set the rules of the road for speech platforms open to the public. Under Section 512, it set up a notice and takedown regime that has worked well. It allows established platforms like YouTube and Instagram, as well as startups and SMEs, to develop tools and partner with creators to prevent copyright infringement, enabling user-generated content to thrive. Re:Create supports Section 512, and the open creative revolution it has unlocked. Attempts to change this system to a notice-and-stay-down system or site-blocking at any layer of the Internet threaten the future of independent creativity online. So:

- **Re:Create [opposes](#) the *FADPA* and other site-blocking legislation** that undermines the American standard of a free and open internet by allowing the blocking of online content or complete takedown of websites due to *alleged* copyright infringement, without due process. Site-blocking can lead to the take down of legitimate content that is protected by fair use, stifling innovation, encouraging censorship, and disrupting access to information.

Keep the law free of copyright monopolies that hinder access and reuse in the public interest. This is a core democratic principle - the law must be available to all in an easily accessible and reusable manner. We support any legislation that will further grant free and open access to the law. Legislation like the [PRO CODES Act](#) does the opposite. It would grant a copyright in the law

for the first time and allow a private organization to control who can access our laws. Re:Create [strongly opposes](#) this back-door attempt to create monopoly control over the law.

We thank you for your time and attention to all of these matters and look forward to working with you over the next two years to promote impartial and balanced copyright policy for every sector of society.

Sincerely,

Brandon Butler
Executive Director
Re:Create