



The Honorable Andrei Iancu, Co-Chair
The Honorable David Kappos, Co-Chair
Judge Paul Michel (Ret.), Board Member
Judge Kathleen O'Malley (Ret.), Board Member
The Honorable Gary Locke, Board Member
The Honorable Lamar Smith, Board Member
Frank Cullen, Executive Director

December 9, 2025

The Honorable Thom Tillis
Chairman
Senate Judiciary Intellectual Property
Subcommittee
113 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Adam Schiff
Ranking Member
Senate Judiciary Intellectual Property
Subcommittee
112 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Tillis and Ranking Member Schiff:

In light of the Subcommittee's December 9 hearing, entitled "Balancing the Interests of Local Radio, Songwriters, and Performers in the Digital Age," we write to express our strong support for the American Music Fairness Act of 2025, S. 326, and its House companion, H.R. 861.

The Council for Innovation Promotion (C4IP) is a bipartisan coalition dedicated to promoting strong and effective intellectual property rights that drive innovation, boost economic competitiveness, and improve lives everywhere. C4IP is chaired by two former directors of the U.S. Patent and Trademark Office (USPTO), Andrei Iancu and David Kappos, who served under Presidents Trump and Obama, respectively. Our board further includes two retired judges from the Court of Appeals for the Federal Circuit, former Chief Judge Paul Michel and Judge Kathleen O'Malley. It also features two distinguished public servants: Lamar Smith, former U.S. Representative for Texas's 21st congressional district and Chairman of the House Judiciary Committee, and Gary Locke, former Governor of Washington, U.S. Secretary of Commerce, and U.S. Ambassador to China under President Obama.

We applaud the Subcommittee's attention to this longstanding inequity in the copyright code that devalues sound recordings to the detriment of artists and copyright owners. This inequity affects everyone involved in creating a sound recording, but the impact is especially acute for the working-class artists, such as session musicians and back-up singers, who are systematically deprived of this significant revenue stream when their works are used.

A copyright cannot fulfill the constitutional mandate to "promote the progress" of the creative arts when the law continues to accept that, under certain circumstances, it is appropriate for the right that protects the creative input of certain artists to effectively have a licensing rate of "zero"-- a compulsory license

untethered to the realities of the current marketplace for music. This is particularly true now, given that internet radio *does* pay such a royalty; broadcast radio is truly an outlier.

The United States's persistent failure to require payment for the use of sound recordings in radio broadcasts also has significant knock-on impacts. The lack of reciprocity allows other countries that collect radio broadcast royalties on American sound recordings to withhold that money from the United States (as the United States does not provide this royalty for the sound recordings of their nationals). As a result, American artists lose an estimated \$200 million a year overseas.

The time is long past due to address this gap in the U.S. intellectual property laws. We urge the full committee to move forward with this legislation by holding a full committee markup. C4IP again thanks the Subcommittee for its efforts on this important issue and stands ready to assist in any way that it can.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Cullen", is positioned below the word "Sincerely,".

Frank Cullen
Executive Director
Council for Innovation Promotion (C4IP)