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ALLIANCE OF WOMEN  
FILM COMPOSERS



# JOINT STATEMENT

Via Email and US Postal Service

Ambassador Katherine Tai  
Office of the U.S. Trade Representative  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

Re: Unnecessary WIPO/TRIPS Copyright Exemptions During the Covid-19 Pandemic

Dear Ambassador Tai:

Music Creators North America, Inc. (MCNA) is the representative coalition for tens of thousands of songwriters and music composers throughout the United States and Canada, and includes the important US music creator advocacy groups the Songwriters Guild of America (SGA), the Society of Composers & Lyricists (SCL), Music Answers (M.A.), and the Alliance for Women Film Composers (AWFC).

We write today to respectfully urge the US Government to take all necessary steps to ensure that well-meaning COVID-19 related IP exemptions, framed within the context of recent WIPO/TRIPS negotiations, are adopted only in ways that will further legitimate, pandemic-alleviation efforts. In that regard, we believe that copyright-based exemptions are not only unnecessary, but a dangerous precedent for all American, Canadian and global music creators and authors of art and entertainment.

MCNA is fully supportive of the Biden Administration initiatives that are helping to lead the world out of the COVID-19 pandemic crisis. It must be noted, however, that medical texts and other COVID-related assistance publications have been freely distributed across the globe on a gratis basis since the initial outbreak. There is therefore no legitimate need to include copyright exemptions in TRIPS, risking the misinterpretation that creative works of entertainment are intended to be included under the exemptions. In fact, we can think of no use of such works in ways that would (quoting the TRIPS language) have a direct connection to the "prevention, containment or treatment of COVID-19." The emergency, temporary and non-precedential IP exemptions contemplated by TRIPS were never intended and cannot be permitted to establish a pretext for would-be copyright infringers to violate with impunity the *fundamental rights* of creators as set forth in the Universal Declaration of Human Rights, and enshrined in the Berne Convention and national laws throughout the world.

The creators who comprise the music and entertainment industries have been in the forefront of support for pandemic alleviation and patient care efforts since the crisis began. We will continue in that role for the entire course of the struggle, which in the meanwhile has done enormous economic harm to our own communities. We also, however, place our faith in US and global Governmental efforts to protect us and our works from further "collateral damage" especially since copyright exemptions related to COVID-

19 “prevention, containment or treatment” are unnecessary, and in the long run counterproductive to US and international culture and interests. They should be voided and removed from the TRIPS text, a move that would in no way, shape or form diminish or harm otherwise laudable pandemic alleviation efforts which we fully support.

Thank you for your diligent assistance in this regard, which is greatly appreciated. Our livelihoods and welfare depend upon it.

Sincerely,



Rick Carnes, President, SGA



Ashley Irwin, President, SCL, Co-Chair, MCNA

cc: Eddie Schwartz, President, MCNA and CIAM  
Charles J. Sanders, Esq.  
MCNA Board of Directors