

# Copyright: A Foundation for the App Industry



Intellectual property is the creation of the mind—from inventions, to literary and artistic works, symbols, names, and images, etc. In the United States and internationally there are laws to protect the rights of inventors and creators to control the use of their works. Software is a literary work protected by these laws. Strong intellectual property (IP) protections safeguard the creativity and innovation of ACT | The App Association members. As the \$1.7 trillion app ecosystem expands globally, our members’ ability to create jobs and develop innovative software products and services depends on clear and enforceable copyright protections.



## App Developers and Copyright

App developers are both content creators and users. Software and creative content are a valuable part of an IP portfolio. Developers also license software and content for use in their own products and services.

Software piracy jeopardizes the success of our members and threatens digital content creators’ ability to innovate, invest, and hire. Like many other industries, the app industry experiences significant loss of revenue each year from piracy and counterfeits. Piracy threatens not only a developer’s ability to innovate, invest, and hire, but it also threatens end-user confidence when consumers become victims of illegal distributors who pose as legitimate sellers. Counterfeit software apps can lead to customer data loss, interruption of service, device malfunction, and data privacy risk.

## To Support Copyright Protections for App Developers, We Urge Congress to:

- **Base revisions to copyright law on proven harms:** Since its enactment in 1998, the often-debated Digital Millennium Copyright Act (DMCA), sought to promote a robust digital marketplace of products and services. The protections in the DMCA that prohibit hacking and allow creators to protect their works online with technological protection measures (TPMs) have enabled exponential growth in technological innovation. Congress should resist calls for sweeping changes to U.S. copyright law based on speculative legal theories and undemonstrated harms.
- **Expand access to litigate infringement claims for small business developers:** Pass measures that would make the legal system more accessible to smaller companies that seek to press copyright infringement claims. For example, we urge you to support legislation like the **Copyright Alternative in Small-Claims Enforcement (CASE) Act (H.R. 2426/S. 1273, 116th)** which would establish a voluntary small claims board at the Copyright Office, a less-expensive alternative for companies with important infringement claims but fewer resources.
- **Recognize the app industry's contributions to creative industries:** The app ecosystem is an example of successful and sustained innovation built on existing laws. App developers are hard at work in every congressional district in every state in the United States. These are small and large businesses creating exciting products and services that provide critical solutions and opportunities in today's economy. It is imperative to represent their interests in discussions around IP and technology issues.