BILL: S.2525, An Act Relating to Commercial Law, General Regulatory Provisions, Library eBook Contracts
COMMITTEE: Rhode Island Senate Committee on Education
HEARING DATE: March 4, 2026
CONTACT: Keith Kupferschmid, keithk@copyrightalliance.org
POSITION: Oppose

The Copyright Alliance, on behalf of our membership, submits this statement of opposition for the record concerning the hearing on bill S.2525 before the Rhode Island Senate Committee on Education. We urge the Committee to oppose the bill which attempts to legislate in areas that fall within the scope of federal copyright law and, therefore, are under the exclusive jurisdiction of Congress, and would harm authors, publishers, and other creators.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The Copyright Alliance represents the copyright interests of over 15,000 organizations in the United States, across the spectrum of copyright disciplines, and over 2 million individual creators, including photographers, authors, songwriters, coders, bloggers, artists and many more individual creators and small businesses that rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

For years, various organizations have unsuccessfully lobbied Congress to weaken federal copyright protections. Because Congress has not agreed that copyright should be weakened, these groups have now decided to circumvent Congress' authority by lobbying state legislatures to enact the very same legislation that Congress would not. This has resulted in a recent influx of state legislation like S.2525 that would force book publishers to license their e-books to libraries on terms that are determined individually by each state rather than terms negotiated between the parties.

Since copyright is under the exclusive jurisdiction of Congress, legislation like this is inappropriate at the state level and, if passed, would almost certainly be struck down on the basis of federal preemption. In a letter dated August 30, 2021, the U.S. Copyright Office—the agency responsible for providing expert advice on copyright law to Congress—conducted an analysis of legislation similar to S.2525, compelling the licensing of certain electronic books and audiobooks, and concluded that "a court considering the state legislation at issue would likely

find it preempted under a conflict preemption analysis."[1] In December 2021, New York Governor Kathy Hochul vetoed an almost identical bill (A5837B), explaining that "[b]ecause the provisions of this bill are preempted by federal copyright law, I cannot support this bill;"[2] and in February 2022, the U.S. District Court for the District of Maryland granted a preliminary injunction suspending Maryland's bill (HB518), adding that "[s]triking the balance between the critical functions of libraries and the importance of preserving the exclusive rights of copyright holders … is squarely in the province of Congress and not this Court or a state legislature."[3]

The individual creators and organizations that we represent rely on a strong federal copyright system to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy. The strength of our copyright system relies in large part on the uniformity of copyright laws across the United States, guaranteed by both the Supremacy Clause of the U.S. Constitution, and by the Copyright Act. S.2525 undermines that important legal system and threatens the ability of authors and publishers to create and disseminate books to the public.

We respectfully ask that the Rhode Island Senate Committee on Education reject S.2525. Please let us know if we can provide additional information or answer any questions regarding our opposition to this bill.

Keith Kupferschmid
CEO
Copyright Alliance

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[1] Letter from Shira Perlmutter, Register of Copyrights and Dir., United States Copyright Office, to Sen. Thom Tillis, Ranking Member, Subcomm. on Intellectual Prop., United States Senate (Aug. 30, 2021), https://copyright.gov/laws/hearings/2021-08-30-Response-to-Senator-Tillis-on-eBook-Licensing.pdf.

[2] Letter vetoing New York State Assembly Bills Nos. 5565 and 5837-B from Governor Kathy Hochul, State of N.Y., to the N.Y. State Assembly (Dec. 29, 2021), available at https://www.authorsguild.org/wp-content/uploads/2021/12/GovernorHochulVetoMessage.pdf.

[3] Association of Am. Publishers, Inc. v. Frosh, No. DLB-21-3133, slip op. at 27 (D. Md. Feb. 16, 2022).