



State of Rhode Island General Assembly

March 4, 2026

Testimony in Opposition to S2525

The Authors Guild respectfully submits the following testimony in opposition to bill S2525. With over 17,000 members, the Authors Guild is the oldest and largest professional association of published writers of all genres including historians, biographers, academicians, journalists, and other writers of nonfiction and fiction. Since its founding in 1912, the Guild has worked to promote the rights and professional interests of authors in various areas, including copyright, freedom of expression, and fair contracts.

We oppose S2525 because it prejudices the exclusive rights guaranteed by federal copyright law to our members and all authors. It goes without saying that the Authors Guild and its member authors believe that libraries should have all the resources they need to distribute ebooks to patrons, but we strongly object to a legislative approach that interferes with authors' and publishers' fundamental rights under constitutionally-based copyright law to license their works on terms they chose. We want to emphasize that in December 2021 a similar bill in New York was vetoed by the governor, and a federal court in Maryland struck down a law that required publishers to license ebooks and other digital products to libraries as being pre-empted by the Copyright Act.

Copyright incentivizes authors to write books and publishers to publish them by creating economic value for books; without it, few books get written and published. Recognizing the importance of creating an economy for books throughout the nation, the Founders placed copyright law in the hands of Congress.¹ Section 301 of the current copyright law – the 1976 Copyright Act – is unambiguous on the principle of federal supremacy, stating that “all legal or equitable rights that are equivalent to any of the exclusive rights within the general scope of copyright . . . [that] come within the subject matter of copyright as specified by sections 102 and 103 . . . are governed exclusively by this title.”² Upholding the principle of federal preemption of copyright, and, in particular, the copyright owner's exclusive rights, courts across the federal

¹ Art. 1, Sec. 8, cl. 8

² 17 U.S.C. 103

circuits have struck down state laws that interfere with the copyright owner's right to control his or her work.³

S2525 encroaches upon Congress' exclusive authority under the U.S. Constitution to enact legislation within the scope of copyright, and is therefore pre-empted by the Copyright Act. By prohibiting and placing restrictions on copyright licensing terms, S2525 attempts to amend federal copyright law, and interferes with an author's or publisher's right to decide to whom, when and on what terms to license their works. As Authors Guild members rely on enforceable copyrights to protect their work and to maintain a robust publishing ecosystem that provides them with the financial ability to be able to continue to write for the public good, the Guild has a strong interest in protecting the exclusive rights provided for under the U.S. Constitution and federal copyright law.

We oppose S2525 for the reasons discussed above and respectfully request that it be withdrawn in light of the broader legal context, disruptions to the copyright system, and the possible serious repercussions for hard-working authors, and especially those who publish independently.

Respectfully submitted,

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The Authors Guild

³ See, e.g., *Close v. Sotheby's, Inc.*, 894 F.3d 1061 (9th Cir. 2018x) (finding requirement for re-sellers of fine art to pay artist a 5% royalty on sales within California violated section 301 of Copyright Act because it conflicted with exclusive distribution right under section 106(3)); *Author's Guild v. Google, Inc.*, 770 F. Supp. 2d 666, 681 (S.D.N.Y. 2011) (noting that "[a] copyright owner's right to exclude others from using his property is fundamental and beyond dispute" and "[t]he owner of the copyright, if he pleases, may refrain from vending or licensing and content himself with simply exercising the right to exclude others from using his property"); *Rodrige v. Rodrigue*, 218 F.3d 432, 436-42 (5th Cir. 2000) (finding that Louisiana's community property law could not interfere with the copyright author's right to control his or her work).