



July 15, 2025

The Honorable Lydia Edwards, Chair  
Joint Committee on the Judiciary  
General Court of the Commonwealth of Massachusetts  
24 Beacon Street  
Rooms 413-A & 136  
Boston, MA 02133

**Re: Opposition to H.1615**

Dear Chair Edwards and members of the Joint Committee:

On behalf of the undersigned public interest organizations and trade associations, we write to respectfully **urge you to oppose H.1615**, which would create property rights in an individual's voice and likeness. We do so for two principal reasons:

**1) H.1615 explicitly creates an "intellectual property" right in such personal characteristics in clear contravention of the federal Copyright Act of 1976.** Title 17 USC §301(a) states "all legal or equitable rights that are equivalent to any of the exclusive rights within the general scope of copyright ... and come within the subject matter of copyright ... are governed exclusively by this title," and "no person is entitled to any such right or equivalent right in any such work under the common law or statutes of any State." Because §1(c) of H.1615 overtly establishes a right facially "equivalent" to a copyright owner's rights under federal copyright law, it is expressly preempted. To the extent that both bills would create serious new burdens on lawful fair uses, they are preempted under the doctrine of conflict preemption, as well. We also note that, while Congress is considering adopting legal protections of the kind addressed by H.1615, it has not done so and may not. Such rights do not presently exist under federal law.

**2) H.1615 fails to adequately protect constitutional free speech rights.** Notwithstanding that H.1615 is limited to commercial speech, it contains exceptions to liability far too narrow and vaguely defined to fully constitutionally protect, for example, political commentary in the form of parody and satire, or the "fair use" of voices and likenesses which consistently have been held to be unprotected "facts" under federal copyright law.

We respect the Committee's and Commonwealth's interest in validly and effectively codifying, as many states have, a right of publicity and would be pleased to elaborate on our concerns to that end.

As drafted, however, we **respectfully urge you to reject H.1615** at this time.

Sincerely,

**Chamber of Progress**

**Computer & Communications Industry Association**

**Engine**

**Re:Create Coalition**

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**Chamber of Progress** is progressive technology industry association supporting public policies to build a more inclusive society in which all people benefit from technological advances. Partner companies include both large and small generative AI developers.

**Computer & Communications Industry Association** is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy.

**Engine** supports the growth of technology entrepreneurship through economic research, policy analysis, and advocacy on local and national issues. Engine is a 501(c)(3)/(4) non-profit organization that works with thousands of startups across the country to advocate for pro-startup, pro-entrepreneurship policy.

**Re:Create Coalition** is a coalition made up of a broad cross-section of represents a cross-section of creators, advocates, thinkers, users and groups dedicated to balanced copyright and a free and open internet, including libraries, civil libertarians, online rights advocates, start-ups, consumers, and technology companies of all sizes.