



Computer & Communications
Industry Association
Open Markets. Open Systems. Open Networks.

February 12, 2026

Senator Mark Meek

Senator Christine Drazan

Members of the Oregon Senate Commerce and General Government Committee

Dear Chairman Meek, Vice Chairwoman Drazan and members of the committee:

Re:Create represents a broad cross-section of 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.¹ We respectfully oppose SB 1580, a bill “Relating to compensation for journalism,” and we submit this letter for the record as part of your committee’s consideration of the bill.

There can be no doubt about the importance of high quality journalism in a healthy democracy, nor about the difficulty that news organizations have faced in adapting to the realities of the internet age. Legislatures can and should take action to support journalism and to ensure that citizens have access to diverse sources of high quality reporting on the news of the day.

Re:Create members are working with journalist groups and others on policy proposals and educational resources that advance this goal.² In doing so, however, it is crucial to respect federal laws that embody the core values of free inquiry and access to information that power journalism itself. On this measure, SB 1580 falls short.

¹ Not every member of the Re:Create Coalition necessarily agrees on every issue, but the views we express represent the consensus among the bulk of our membership.

² See, e.g., Lisa MacPherson, *Is There a Middle Ground in the Tug of War Between News Publishers and AI Firms? Part 2: Framing Solutions*, Public Knowledge (Sept. 22, 2025), <https://publicknowledge.org/is-there-a-middle-ground-in-the-tug-of-war-between-news-publishers-and-ai-firms-part-2-framing-solutions/>; Electronic Frontier Foundation, *Podcast Episode: Securing Journalism on the ‘Data-Greedy’ Internet, How to Fix the Internet* (June 18, 2025), <https://www.eff.org/deeplinks/2025/06/podcast-episode-securing-journalism-data-greedy-internet>; Steven Greenhut, *Local journalism: What to do about its death spiral?*, R Street (Feb. 27, 2025), <https://www.rstreet.org/commentary/local-journalism-what-to-do-about-its-death-spiral/>; Courtney C. Radsch, *From Our Fellows: Envisioning a Healthy Information Ecosystem*, Center for Democracy and Technology (June 2, 2023), <https://cdt.org/insights/from-our-fellows-envisioning-a-healthy-information-ecosystem/>. Analysts from other non-profits focused on free speech and journalism have expressed concerns about the “link tax” approach embodied on SB 1580. See, e.g., Timothy Karr, *Exchanging Links for Cash Is No Way to Save Journalism*, Tech Policy Press (June 22, 2023), <https://www.techpolicy.press/exchanging-links-for-cash-is-no-way-to-save-journalism/>. For a nuanced treatment of the full policy landscape around these issues, see Center for News, Technology, and Innovation, *Building News Economic Sustainability* (updated Oct. 6, 2025), <https://cnti.org/issue-primers/building-news-economic-sustainability/>.

The federal Copyright Act of 1976 strikes a careful balance between the rights of publishers and the rights of readers, critics, authors, and others who access and use information. Indexing, linking, and quoting are well-established rights under the Copyright Act. They are grounded in core principles like fair use and the fact/expression dichotomy (the freedom to report factual information)—the same principles that journalists themselves rely on every day to report the news and provide commentary and context on current events. These freedoms are foundational to a healthy and open internet ecosystem, to vigorous and independent journalism, and ultimately to a free and fair society.

SB 1580 would undermine this foundation by creating a new right of access that encumbers works already subject to federal copyright and grants rights equivalent to those already protected by federal law, but without balancing protections for the public. Despite the disclaimers in the bill, it is indisputable that the subject matter to which it applies (“the online content of a digital journalism provider”), the activities it regulates (“accessing” published material, “aggregat[ing], distribut[ing], render[ing], or display[ing]” online content), and the rights it creates (the publishers’ right to sue in the absence of an “agreement,” i.e., a license) are equivalent to those already comprehensively regulated by the Copyright Act. For that reason, SB 1580 would be expressly preempted by 17 U.S.C. § 301, which declares that these activities are “governed exclusively by [federal copyright law].”

Additionally, because SB 1580 imposes a license requirement on activities that federal law permits without a license, the bill “would frustrate the operation of...federal copyright law by interfering with the exercise of the statutory privilege of fair use,” invalidating the law under federal conflict preemption.³ This conflict has a Constitutional dimension because both fair use and the fact-expression distinction are “built-in First Amendment accommodations” in the copyright system.⁴ SB 1580 “alter[s] the traditional contours of copyright protection”⁵ by omitting these accommodations, triggering strict First Amendment scrutiny, which would be fatal to the bill.⁶

Finally, we note that the high user and revenue thresholds for “covered platforms” in the bill are cold comfort for those committed to free inquiry and an open internet. By their nature, companies with large numbers of users affect how information is accessed and used by large numbers of people around the world. Revising the bill’s scope through the proposed amendment⁷ wouldn’t change the fundamental issue: State regulation of information flows on these “platforms” would influence what sources of information are available to their users, what ordinary people can do, say, and share from these platforms, and ultimately how billions of people see the world when they engage with these platforms online. That kind of interference in the information ecosystem is anathema to the First Amendment and to the user rights and access

³ See *X Corp. v. Bright Data Ltd.*, 733 F. Supp. 3d 832 (N.D. Cal. 2024).

⁴ See *Eldred v. Ashcroft*, 537 U.S. 186, 220 (2003).

⁵ *Id.* at 221.

⁶ See, e.g., CCIA, Memorandum: Legal Deficiencies in the California Journalism Preservation Act (Assembly Bill 886), Computer & Communications Industry Association (June 28, 2023) at 4,

<https://ccianet.org/library/ccia-california-journalism-preservation-act-legal-memo/>.

⁷ <https://olis.oregonlegislature.gov/liz/2026R1/Downloads/ProposedAmendment/30271>

protections in copyright law. Accordingly, we urge your committee to join us in opposition to SB 1580.

Respectfully,

Re:Create
Center for Democracy & Technology
Computer & Communications Industry Association
Creative Commons
The R Street Institute