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**World IP Day 2026 and America's 250th Birthday:
Follow the Declaration's Principles for Securing Intellectual Property Rights**

by

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April 26 is World IP Day, and this year it carries special significance as the nation commemorates the 250th anniversary of the Declaration of Independence. At a time when foreign piracy threatens the intellectual property rights of Americans, including copyrighted movies, television programs, live sports broadcasts, video games, photos, and music recordings on a massive scale, the Declaration's principles should guide Congress in securing Americans' copyrights at home and abroad.

Copyrights are more important than ever to the U.S. economy, and the same natural rights philosophy that undergirded the proclamation of American independence in 1776, and defined the foundational principles for its government, provides the basis for protecting those rights today. Congress can and should do more to protect intellectual property rights.

The Declaration proclaimed the great truths that "all men are created equal" and "are endowed by their Creator with certain unalienable Rights," including "Life, Liberty, and the pursuit of Happiness," and that "to secure these rights, Governments are instituted among Men." The

Founders understood that the right to own and use private property is God-given and rooted in human nature and not granted by government. That understanding applies equally to intellectual property.

The Constitution of 1787 reflects this same philosophy. Article I, Section 8 includes the IP Clause, which empowers Congress “to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” The Declaration’s use of “secure” and the Constitution’s use of “securing” reflect the same principle: rights precede government, and government exists to protect them. Early American jurists and statesmen, including John Marshall, James Kent, Joseph Story, and Daniel Webster, understood copyrights and patents as property rights grounded in individuals’ intellectual and physical labor, which government is obligated to protect.

Domestic copyright protections gradually strengthened during the 19th century. However, American authors for most of that period received no protection abroad. This lack of protection stemmed largely from reciprocity: because U.S. law excluded foreign authors, other nations denied protection to Americans. As foreign piracy proliferated and harms to American creators grew, the natural-rights philosophy of the Declaration was invoked as a basis for securing international copyright protection.

In his influential 1840 pamphlet *On International Copyright*, Francis Lieber affirmed that property in creative works “is not made by government,” but arises from the act of creation itself. At the same time, Lieber explained that property rights – including copyrights – require legal institutions to be made effective. Without protection, rights would “remain mere abstractions.” Because copyright is especially vulnerable to infringement, particularly across borders, it “requires the more specific protection of government.” Lieber therefore urged reform of U.S. law to protect foreign authors and thereby secure reciprocal protection for Americans abroad. As he explained: “If we deny to foreign authors the protection of their literary property, we cannot reasonably expect that our own authors will be protected abroad.”

Similarly, John Jay II advanced natural rights arguments in his 1848 memorial to Congress. Jay deemed denial of copyright protection to foreign authors unjust and self-defeating. By refusing to respect the rights of others, the United States undermined its ability to secure protection for American authors abroad. As Jay explained: “Thus the injustice which we inflict upon them is returned upon ourselves. The principle which denies protection to the foreign author operates equally to the injury of the American author.”

Although early legislative efforts stalled due to competing priorities and protectionist interests among domestic publishers, the natural-rights foundation of copyright remained widely accepted and served as the foundation for the eventual breakthrough.

In June 1890, the House Committee on Patents, under Chairman William E. Simonds, issued the Simonds Report, which urged Congress to adopt international copyright legislation. Echoing the philosophy of the Declaration, the report stated that an author has a “natural exclusive right” to the product of his “brain and hand.” It further explained that the Constitution’s IP Clause “recognizes the existence of the right, and confers upon Congress the power to secure it. It does

not create the right, but proceeds upon the ground that it already exists.” The report recommended extending protection to foreign authors in order to secure reciprocal protection for Americans abroad.

Congress enacted this recommendation in March 1891 in the International Copyright Act (the Chace Act), marking a turning point in U.S. copyright policy. The Act reflected recognition that American creators depend on access to global markets and that securing their rights requires cooperation and mutual respect among nations. In the decades since, treaties and trade agreements have expanded protections for American copyright owners worldwide.

Today, however, the need for effective legal measures to secure copyrights is as urgent as ever. In the digital age, copyright piracy has become a global enterprise. The U.S. Trade Representative’s [2025 Review of Notorious Markets for Counterfeiting and Piracy](#) (March 2026), as well as [prior iterations](#) of that report, have identified numerous foreign-based Internet platforms that facilitate large-scale infringement of copyrighted works. These online piracy ecosystems, comprised of illicit streaming services, torrent sites, cyberlockers, and indexing platforms, enable widespread unauthorized distribution of American content.

The economic harm is staggering. The Trade Representative’s review cited a 2023 claim by the NFL, NBA, and UFC that live piracy causes the global sports industry to lose up to \$28 billion in additional potential annual revenues. A study by the U.S. Chamber of Commerce Global Innovation Policy Center, [Impacts of Digital Video Piracy on the U.S. Economy](#) (June 2019), estimates that online piracy costs the U.S. economy between \$29.2 billion and \$71 billion annually and results in the loss of up to 560,000 jobs. These losses don’t even capture large-scale piracy’s undermining of incentives for investment in new content and delivery technologies or its negative impact on copyright-related jobs.

High-profile infringement cases such as the *Atlantic Recording Corporation v. Anna’s Archive* further illustrate the scale and sophistication of modern piracy operations. The Anna’s Archive piracy operation scraped approximately 86 million songs from Spotify and publicly released over 2.8 million individual music files earlier this year, in defiance of a court injunction. On April 14, the U.S. District Court for the Southern District of New York entered a default judgment against Anna’s Archive for \$322 million.

The vast scope and sophistication of the online piracy ecosystem and the staggering losses inflicted on American copyright owners require stronger legal mechanisms to secure Americans’ copyrights. In a global digital environment, that means solid domestic enforcement and robust international cooperation.

To better secure Americans’ intellectual property rights, Congress should take several steps. First, Congress should ensure that U.S. trade agreements include strong and enforceable intellectual property protections. As we explained in our book [Modernizing Copyright Law for the Digital Age](#) (Carolina Academic Press, 2020), these agreements are essential tools for promoting reciprocity and securing fair treatment for American creators in foreign markets.

Second, Congress should grant American sound recording artists a full public performance right for terrestrial radio. As discussed in Cooper’s February 2022 *Perspectives from FSF Scholars* “[American Music Fairness Act Would Secure Copyrights in Sound Recordings](#),” the absence of this right prevents U.S. artists from receiving royalties from foreign broadcasters that condition payments on reciprocal protection. Addressing this gap would unlock significant revenue for American creators and align U.S. law with global norms.

Third, Congress should consider targeted judicial site-blocking measures against foreign piracy operations. As discussed in Cooper’s March 2025 *Perspectives from FSF Scholars* “[Bill Carefully Targets Foreign Piracy Websites With Judicial Blocking Orders](#),” such measures are carefully designed to target foreign-based websites dedicated to large-scale infringement, rather than lawful domestic platforms. A court-approved site blocking remedy can effectively disrupt access to notorious pirate operations while preserving due process and First Amendment free speech online. Given the scale of today’s piracy ecosystem, such tools merit serious consideration.

These recommendations reflect Congress’s constitutional responsibility to secure intellectual property rights consistent with the foundational principles of the Declaration of Independence. In a world where infringement increasingly originates beyond our borders, that responsibility requires a renewed commitment to protecting the intellectual property of American creators in global markets. For World IP Day 2026, as we celebrate the Declaration’s 250th anniversary, it is a fitting moment to reaffirm the principles of 1776 through concrete steps to secure American intellectual property.

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