



**Makers and  
Merchants Coalition**  
Virtual Markets, Real People

May 25, 2022

The Honorable Chuck Schumer  
Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

Cc: Conference Committee Members of the Bipartisan Innovation Act

Dear Majority Leader Schumer, Speaker Pelosi, Minority Leader McConnell, and Minority Leader McCarthy:

The Makers and Merchants Coalition, which represents small business owners from across the country, and other online sellers write to express concerns with H.R. 5374, the Stopping Harmful Offers on Platforms by Screening Against Fakes in E-commerce (SHOP SAFE) Act, being considered in the Bipartisan Innovation Act.

We are aware of the threat counterfeit goods can pose to the public's health and safety and support the legislation's goal of mitigating harm. However, as written, SHOP SAFE will do more to unintentionally endanger this country's thriving small business community and its customers than it will to fulfill the bill's intended purpose.

SHOP SAFE could effectively devastate how America's thriving small business community operates online. If passed, this legislation will eliminate standing legal precedent and embolden big-name, global brands to wield even more power against small businesses. By effectively allowing trademark holders to further contest product listings and increasing the liability threshold for online sellers, the onus for our country's counterfeit problem will be shoved squarely on the shoulders of Virtual Main Street America.

As a result, small American businesses could be forced to go toe to toe with some of the wealthiest brands in the world supported by best-in-class legal departments, creating a David and Goliath scenario that many won't be able to recover from. Many of our products are vintage or artistic by nature. SHOP SAFE could unintentionally restrict the sale of previously used goods or creatively crafted products through arduous pre-screening.

Moreover, SHOP SAFE language is so vague that everyday Americans who might not even consider themselves online sellers could be compelled to comply. People using the internet to resell and consign clothes, get rid of old furniture, or host a virtual yard sale all stand to be affected by these regulations.

A distinct increase in largely subjective red tape regulations won't only impact our businesses, it will trickle down to our customers. If our online stores can't withstand the convoluted compliance standards, consumers could potentially see the price of goods they depend on skyrocket. The affordability and accessibility of eCommerce as we know it could be set up to drastically change at a time where inflation, gas prices, and a supply chain shortage are already putting a dent in shoppers' wallets.

Thousands of Americans rely on online marketplaces to make a living. While we unequivocally support combatting the sale of counterfeit goods, this legislation could inflict seismic damage on small businesses, representing 44% of the United States' economy. We strongly implore that you ensure that the final version of the Bipartisan Innovation Act completely excludes SHOP SAFE from its text and ask that it not be considered in any future legislation.

Sincerely,

Mike Andrews, Right Foot  
Raynham, Massachusetts

Brian Berg, Oak Brook Clothiers  
Fayetteville, Georgia

Dave and Laurie Bilyeu, eBLISS Reseller Solutions  
Englewood, Colorado

Andrew Borakove, Gongs Unlimited LLC  
Lincoln, Nebraska

John Brandolino, Desire and Sole  
Miami Beach, Florida

Mace Brasher, Jester Mace's Jerseys  
Stansbury Park, Utah

Joseph Brozovsky, uCell2us Inc  
Roanoke, Virginia

Aaron Bushey, Almost Anything  
Opelika, Alabama

Larry Chabira, lamontsanfurd  
Austin, Texas

Tim Chapman, Mr. Customer Service  
Tustin, California

Jacqueline Concannon, Acliffs Gear Room  
Salt Lake City, Utah

Richard Cooley, Sale Area  
Campell, California

Joe Cortese, Noble Spirit  
Pittsfield, New Hampshire

Lee Crane, L & C Coins  
Los Alamitos, California

Fernando K. Cubillas, De Billas Lux  
Oro Valley, Arizona

Ryan DeBari, RTM (ReadyToMount)  
Asheboro, North Carolina

Ahmad Deiranieh, Homie Gear  
Chula Vista, California

Victoria Eagan, LV Pink Peacock  
Las Vegas, Nevada

David Earl, Shades of the Past  
Hulbert, Oklahoma

Candace Fitzsimmons, NVA FAM  
Fairfax, Virginia

Bruce R Foote, Disney Nanas Treasure  
Gilbert, Arizona

Michael Freed, My Things and More  
Avon, Indiana

Dana Golden, Saddle Up, Inc  
Gilcrest, Colorado

Mac Griffiths, MDG Sales LLC  
South Jordan, Utah

Guerry Grune, 3rd Rock Essentials  
Virginia Beach, Virginia

Sandra Gustard, Fountain Pimento Oil  
Brooklyn, New York

Carolyn Hiler, A Zillion Dollars Stationery and Gifts  
Mt Baldy, California

Stephanie Inge, StephinTexas  
Rowlett, Texas

William Ingersoll, Bikes Trikes and Quads  
Sloansville, New York

Chris Ko, Revive IT  
Mesa, Arizona

Jakob Kristensen, MemoryC Inc.  
Charlotte, North Carolina

Bryce Lee, Hand & Home LLC  
Columbus, Ohio

Linden Lehner, Linden Lane Artworks  
Cuyahoga Falls, Ohio

Rebecca Leigh, Textile Magic  
Washington, DC

Mendy Lieberman, Prune Danish  
Brooklyn, New York

Alyssa Marquez, 444 Vintage  
Tucson, Arizona

James Matkaitis, Bargain Buyouts  
Evergreen Park, Illinois

Arun Matthews, Hebron Stores  
Naperville, Illinois

Mark T. McKean, Parsons Creek General Store  
Chillicothe, Missouri

Justin D. Meunier, Boardwalk Numismatics  
Middlefield, Connecticut

Mark Meyer, BIO Tool Store  
Freeport, New York

Christina Mosley, Love Lake Irises  
Atlanta, Missouri

Shelley Parish, Cicely's Closet & Little Cicely's Closet  
Hampton Falls, New Hampshire

Justin Pepple, Pepple Jay Brokers LLC  
Canton, Georgia

Jennifer Reichardt, Parkscole  
Whittier, North Carolina

Alicia Reisinger, Wax Buffalo  
Lincoln, Nebraska

Scott Rowbotham, HPTautosport  
Arden, North Carolina

Sergio, Salgado, Barrio Woodworks  
Chula Vista, California

Joel Sappenfield, NPS Store  
Salt Lake City, Utah

Harry Shamoyan, Lots of Pets  
Montrose, California

Julie Shapiro, Casa Chic  
Fort Lauderdale, Florida

Greg Shepard, First Rate Golf Inc  
Southern Pines, North Carolina

Shelby Smith, Gym-N-Eat Crickets LLC  
Ames, Iowa

Nicki Stark, Stark Custom Creations  
Appleton, Wisconsin

Sophia Stevens, Sweet Pea Spice  
Dallas, Texas

Aimee and Greg Talbot, EuroLux Imports LLC  
Newberry, South Carolina

Kathy Terrill, NYC Fitness Family Finds  
New York City, New York

Jen Thames, Zenvesco Inc.  
North Canton, Ohio

Tim Wagner, Accurate Technical Services, LLC  
Bitely, Michigan

Jennie Walker, WV Vibe  
Pasadena, California

Robin Weber, Billy the Tree  
Largo, Florida

Mark Whiteside, eTech Surplus, LLC  
Rochester, New York

Zachary Williams, Flashback Limited  
Columbia, Maryland

Michael Wilson, Wilson Brothers Jewelry  
Greensboro, North Carolina

Joy Woodruff, Sound of Tri-State  
Claymont, Delaware