

May 8, 2012

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

Collectively, our organizations represent small, medium and large U.S. companies throughout every major sector of the U.S. economy – from manufacturing to agriculture to services – that are seeking a strong outcome in the Trans-Pacific Partnership (TPP) negotiations. Indeed, we all strongly endorse the vision that you and other TPP leaders announced last November in Honolulu – that the TPP “will be a model for ambition for other free trade agreements in the future, forging close linkages among our economies, enhancing our competitiveness, benefiting our consumers and supporting the creation and retention of jobs, higher living standards, and the reduction of poverty in our countries.”

For the TPP to achieve that vision, it is essential that the final TPP agreement incorporate comprehensive and high-standards for the protection and enforcement of intellectual property (IP) rights – including patents, trademarks, copyrights and trade secrets. And that outcome can only be achieved through continued and heightened U.S. leadership. By contrast, any attempts to weaken IP rights or to exclude any sector from protection must be strongly rejected and would be inconsistent with overall U.S. Government policy and U.S. economic and trade interests.

We commend your Administration for recognizing the key role played by innovative and creative industries in driving economic growth, jobs and competitiveness. As recently highlighted in the March 2012 U.S. government report – *Intellectual Property and the U.S. Economy: Industries in Focus* – U.S. IP-intensive industries support more than one in every four jobs, over one-third of GDP, and approximately 60 percent of exports. The protection and effective enforcement of IP rights are therefore of critical importance to the economic growth and prosperity not only of the United States but also of its eight TPP-negotiating partners.

As you and your Administration have repeatedly recognized, strong IP protections have been an essential element in fostering the explosive growth in new and more efficient technologies, increased productivity, life-saving medicines and other health technologies, as well as a wide variety of creative and educational works. As a result, high-standard IP protections are a key driver of economic growth in the United States and overseas and are linked to the creation and retention of jobs in industries as diverse as consumer and industrial products, educational products and entertainment, scientific products and equipment and information and communications technology. Trademarks and associated branding are critical to business success in many industries. For consumers, strong IP rules are also vital to protect against counterfeit products in numerous areas from pharmaceuticals to automotive parts. As well, there are important domestic and national-security interests in ensuring strong enforcement mechanisms against state-sponsored IP theft and illicit trade, which has been linked increasingly to international crime networks.

While the benefits of strong IP protections and enforcement are widely supported throughout the United States and safeguarded in our Constitution and laws, such protections are at serious risk in the ongoing TPP negotiations. Some seek to enshrine low standards of protection, with limited enforcement, in the final TPP agreement, arguing that U.S. proposals would be harmful and could undermine other interests.

The strong IP protections proposed by the U.S. government in the TPP negotiations do not represent, as some suggest, a threat to public health, the development and expansion of the Internet or rights of freedom of speech, but rather a much-needed response to increasingly sophisticated threats to IP protection throughout the world. More, not less, rigorous IP rules are needed to thwart the explosion in IP infringement, including of pirated, counterfeit and unlawful copycat products throughout all sectors of the economy, and trade-secret theft. The U.S. approach, which largely builds upon the recently implemented U.S.-Korea Free Trade Agreement, sets a strong template for achieving the type of 21<sup>st</sup>-century agreement that will enhance productivity, innovation and ingenuity for the United States and the other TPP countries.

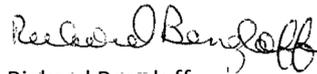
In their essence, the arguments against strong IP protections are largely based on the misguided assumption that strong IP protections advance only the interests of IP exporting countries and disadvantage countries with less well developed IP-dependent industries. In fact, the adoption of strong IP protections by all countries in the TPP and more widely promotes strong benefits for all, whether or not the country has developed its own major IP-based industries. Developed and developing countries that have adopted stronger IP protections have proven better able to develop their own technological, science, creative and other innovative and IP-dependent industries, advancing their own economic growth, productivity, exports, innovation and the interests of their workers and consumers alike.

As the 12<sup>th</sup> round of negotiations will soon begin in Dallas, Texas, we urge that the United States redouble its efforts to ensure that the final TPP agreement is comprehensive and commercially meaningful and incorporates high standards for the protection and enforcement of IP rights across all industries. Such an outcome must remain a top U.S. negotiating priority to create a TPP agreement that will be a “model for ambition” to ignite economic growth, create and sustain jobs and improve living standards here at home and among the other eight TPP negotiating countries.

Respectfully,



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cc: The Honorable John Bryson, Department of Commerce  
The Honorable Ron Kirk, United States Trade Representative  
The Honorable Hillary Clinton, Department of State