



U.S. BUSINESS COALITION FOR TPP

February 7, 2011

The Honorable Ron Kirk
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Kirk:

As representatives of the intellectual property (IP) task force of the U.S. Business Coalition for Trans-Pacific Partnership (TPP), a broad-based, multi-sector coalition of U.S. companies and associations, we write you today about the importance of seeking the highest level of IP protections in the TPP in order to advance economic development, innovation, and job creation in the United States.

We applaud the Obama Administration for recently concluding the U.S.-Korea Free Trade Agreement (KORUS), which contains 21st century IP provisions, and welcome President Obama's call for this agreement to serve as a model for future trade deals. We also fully endorse the recommendation by the President's Export Council that "the world-class intellectual property chapter of the Korea-U.S. FTA should establish a strong foundation on which corresponding provisions of the upcoming Trans Pacific Partnership FTA or other future trade agreements could be built." We strongly encourage you to embrace these recommendations to ensure that the IP provisions in TPP not only do not diminish the protections found in each of the existing U.S. trade agreements with TPP countries but also build upon the obligations in the pending KORUS.

Intellectual property rights promote economic growth and competitiveness; foster innovation, creativity, and competition between brands benefitting consumers; and, create high paying jobs. The IP-intensive industries employ slightly more than 19 million Americans across all 50 states and in all sectors from manufacturing to agriculture to services, and studies have shown that these industries account for approximately 60 percent of total U.S. exports. Notwithstanding these achievements, the IP industries face relentless challenges to the integrity of their products, challenges which are making it increasingly difficult to bring new creative and innovative products and services to the international marketplace.

For U.S. companies to retain high-quality, knowledge-and skills-based jobs in the United States and for the U.S. to further develop its comparative advantage in the global trading arena, it is imperative that the U.S. fully assert its role as the principal demandeur for the highest of

standards in the IP negotiations. The U.S. Government must aggressively press for the strongest IP substantive and enforcement provisions in the TPP, building on the world-class provisions of the KORUS and U.S. law to level the playing field outside the U.S. for industries dependent on IP protection for market access. The TPP IP provisions must be clear, specific and enforceable. The U.S. must work to eliminate policies and practices that discriminate against U.S. rights holders and that limit the ability of U.S. companies to compete fairly overseas. It must also work to improve protection and enforcement of IP rights by ensuring that the IP provisions in the TPP and existing agreements are implemented properly.

We have been dismayed by what we understand is the position of several countries in the TPP negotiations. The United States must not negotiate down to the levels of protection advocated by trading partners, some of which have failed to implement, or have taken actions inconsistent with, their IP rights obligations under existing agreements. The bottom line is that the United States, as the most innovative and creative economy in the world, has the most to lose from weak and ambiguous IP standards, which would diminish the TPP's overall effectiveness, impairing U.S. exports, job growth and competitiveness.

The IP intensive industries are keen to lead the way to accomplishing the President's objective of doubling exports by 2015. The U.S. government can play a vital role in helping us accomplish this objective by ensuring that the TPP builds upon the highest IP protections of our recently concluded trade agreements.

If you or your staff would like to discuss this letter or have any questions, please contact the TPP IP task force co-chairs, Anissa Whitten, anissa_whitten@mpaa.org, 202.378.9130, Gina Vetere, gvetere@uschamber.com, 202.463.3132, or Jay Taylor, jtaylor@phrma.org, 202.835.3504.

We look forward to continuing to work with the Administration to ensure a commercially meaningful TPP Agreement that protects American ingenuity, opens markets for U.S. exports, and serves as a template for future trade agreements in the U.S.-Asia-Pacific region.

Sincerely,

Abbott
Advanced Medical Technology Association
Altrius Group
American Apparel & Footwear Association
Association of American Publishers
Bayer Corporation
Biotechnology Industry Association
Business Software Alliance
Citi
Council of Fashion Designers of America
CropLife America
Eli Lilly and Company
Emergency Committee for American Trade

Entertainment Software Association
Hewlett-Packard Company
Illinois Tool Works Inc.
Independent Film & Television Alliance
Intellectual Property Owners Association
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Rockwell Automation, Inc.
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Sony Pictures Entertainment
Software and Information Industry Association
Time Warner Inc.
U.S. Chamber of Commerce
Viacom
The Walt Disney Company

cc. Director Sperling
Secretary Locke
Secretary Clinton