

# United States Senate

WASHINGTON, DC 20510

May 17, 2011

The President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear Mr. President:

We write to express our strong support for your commitment to make substantial progress towards conclusion of a Trans-Pacific Partnership (“TPP”) trade agreement by the Asia Pacific Economic Cooperation Leaders Meeting in Honolulu in November 2011, and to call to your attention the importance of including in that agreement the highest standards of protection for intellectual property (“IP”) rights.

A robust knowledge economy provides the United States with one of our largest sources of competitive advantage, and intellectual property is the engine that drives it. Put bluntly, intellectual property equals jobs. In fact, studies have shown that the IP-intensive industries employ more than 19 million workers, create higher paying jobs across all skill levels, and support more than 60 percent of total U.S. exports. This has not gone unnoticed by other nations, all of which are vying to increase their share of the jobs, exports, and know-how attributable to innovation.

A TPP agreement with strong protections for intellectual property promises to be an important means of ensuring that U.S. companies can continue to innovate and grow in this global economy, thereby allowing us to retain high-quality skilled jobs here in the United States. We urge you to use this as an opportunity to advance 21<sup>st</sup> century IP protections that will allow America’s innovative and creative industries to continue to compete globally and thrive. The TPP IP provisions must be clear, specific, and enforceable, building upon the high standards set forth in the U.S.-Korea Free Trade Agreement (“KORUS FTA”) and U.S. law. They must also be applicable to all TPP participants without exception.

High standards of intellectual property protection are critical to all innovative and creative U.S. industries. Biopharmaceutical innovators, for instance, are disadvantaged in countries where the regulatory data protection rules and patent enforcement rules do not reflect standards of protection similar to those found in U.S. law. These innovators also gain little if the authorities responsible for pricing and reimbursement are able to set the terms of sale through arbitrary and non-transparent means. Likewise, while our copyright industries are one of our most vibrant export sectors, they are under attack from rampant and massive online piracy. These industries are irreparably harmed when technological protection measures are

circumvented or when pirated content is streamed over the internet. Similarly, our trademark holders lose jobs, revenue, and consumer trust when fakes are appended with counterfeit labels. A strong TPP agreement can prevent these and similar harms.

Strong IP standards in the TPP Agreement are particularly important because the current participants intend it to be expanded in the future to incorporate new members in Asia and beyond with markets that are absolutely critical for U.S. exporters, markets in which we have struggled for years to improve respect for and enforcement of IP rights. Moreover, the IP standards in the TPP Agreement will also set a precedent for protection of our innovative and creative industries in all trade agreements going forward. For these reasons, the TPP Agreement must have the highest standards for IP protection.

The United States is the world's leading innovator and creator, so we should be the world's leading voice for the highest level of IP protections. We urge you to continue to seek the highest IP standards as your administration finalizes its proposals in this area and during the course of the TPP negotiations. We urge you to reject efforts by other TPP participants to seek a weakening of intellectual property protection standards as compared with high-standard agreements such as the KORUS FTA.

Once again, Mr. President, your commitment to the TPP negotiations has our strongest support. We look forward to approving an agreement that includes high standards in all sectors, including the innovative biopharmaceutical, creative copyright, and other intellectual property-intensive sectors that are so critical to the future of the American economy.

Sincerely,

Orin Hatch

Maria Cantwell

John Thune

Mark Udall

Kot P. Brown

Jon Tester

Dan Coats

Chris Coons

Tommy Kuylenstierna

Mark Royce

Rob Portman

Wm F. B. A

Mike Enzi

John Cornyn

Tom Coburn

Clare Kilian

John Barrasso

Pat Murray

Chuck Grassley

Tom Carper

Pat Roberts

Mark Udall

Richard J. Lugar

Pat Romney

Lloyd Wickert

ROSS

Ray Bennett

Mark R. Warner