
Bipartisan Congressional Trade Priorities and Accountability Act of 2015

21st Century Digital Economy

The following sections in the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 address the 21st century digital economy:

- Section 2(a) of the bill establishes overall trade negotiating objectives that includes objectives to ensure trade agreements reflect the increasingly interrelated and multi-sectoral nature of trade and investment activity, and recognize the significance of the Internet as a global trading platform.
- Section 2(b)(6) of the bill sets out principal negotiating objectives for digital trade in goods and services and cross-border data flows. These objectives ensure that electronically delivered goods and services all trade commitments apply to digital trade and cross-border data flows; to ensure that electronically delivered goods and services are treated no less favorably than products delivered in physical form and classified so as to ensure the most liberal trade treatment possible; and to ensure that governments do not impede digital trade, restrict cross-border data flows, or require local storage or processing of data, and to ensure that domestic regulations required by legitimate policy objectives are the least restrictive on trade, non-discriminatory and transparent, and promote an open market environment. The provision also directs that the World Trade Organization moratorium on duties on electronic transmissions be extended.
- Section 2(b)(5) sets out the principal negotiating objectives with respect to intellectual property, which include directives by Congress to further promote adequate and effective protection for intellectual property rights through ensuring full implementation of the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS); ensuring that provisions of any trade agreement governing intellectual property rights reflect a standard of protection similar to that found in U.S. law; providing strong protection for new technologies and methods of transmitting and distributing intellectual property, including in a manner that facilitates legitimate digital trade; eliminating discrimination regarding intellectual property rights; ensuring that rights holders have the legal and technological means to control the use of their works through the Internet and prevent the unauthorized use of their works; providing strong enforcement of intellectual property rights; and preventing or eliminating government involvement in the violation of intellectual property rights, including through cybertheft and piracy. The principal negotiating objectives also include securing fair, equitable, and nondiscriminatory market access opportunities for U.S. persons that rely upon intellectual property protection.
- Section 2(b)(2) sets out a principal negotiating objective to expand opportunities for U.S. services and obtain fairer and more open conditions of trade, including through utilization of global value chains, by reducing or eliminating regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers. This section also encourages the pursuit of this objective through all means, including through a plurilateral agreement with countries that are willing and able to undertake high standard services commitments for both existing and new services.

- Section 2(b)(9) sets out a principal negotiating objective to eliminate and prevent measures that require U.S. producers and service providers to locate facilities, intellectual property, or other assets in a country as a market access or investment condition, including indigenous innovation measures.
- Section 2(b)(7) sets out principal negotiating objectives to improve regulatory practices and promote increased regulatory coherence; to seek greater openness, transparency, and convergence of standards-development processes; to promote regulatory compatibility through harmonization, equivalence, or mutual recognition and to encourage the use of global and interoperable standards; and to ensure that government collection of undisclosed proprietary information is limited to that necessary to satisfy a legitimate and justifiable regulatory interest and that such information is protected against disclosure.