

Congress of the United States
Washington, DC 20515

June 28, 2013

The Honorable Michael Froman
United States Trade Representative
Office of the U.S. Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Froman:

We are writing to you regarding the ongoing Trans-Pacific Partnership (TPP) negotiations. Specifically, we want to share with you some key issues that must be addressed regarding the treatment of intellectual property within any final agreement.

We believe a TPP that achieves comprehensive, strong, balanced and binding intellectual property provisions will be a 21st century model for future trade agreements. Therefore, any final agreement must meaningfully address any measure that specifically undermines the value of intellectual property protection, including with respect to pricing and reimbursement and regulatory transparency. As the negotiations continue, we look forward to working with you and your colleagues to ensure the TPP promotes and protects American ingenuity.

As the U.S. economy is the most innovative in the world, any successful agreement between us and our Trans Pacific partners must promote the highest standards of intellectual property protection while also recognizing important limitations and exceptions to intellectual property law. According to the U.S. Department of Commerce, over 60 percent of U.S. exports and 40 million U.S. jobs rely on IPR-intensive industries; as such, the Administration must do all it can to ensure robust intellectual property protections are incorporated into the TPP agreement, which would account for almost \$2 trillion in goods traded amongst the member countries. Of course, in doing so, the TPP should not unnecessarily hinder the growth of innovative business models that rely on limitations and exceptions set forth in the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement, the Berne Convention and other international agreements, and should also, to the extent practicable, take such limitations and exceptions into account.

As you continue negotiations towards an FTA with the Trans Pacific region, we believe it is important to outline our expectations regarding the outcome of any such negotiations. Therefore, in order to protect innovation, we strongly urge the Administration to mindful of the intellectual property provisions found in the U.S.-Korea Free Trade Agreement into the TPP negotiations, which:

- require each country to commit to the WTO's TRIPS agreement and other international agreements and conventions on intellectual property;
- require governments to extend national treatment to intellectual property right holders from the other country;

- require transparency through the publication of regulations and laws regarding IPR;
- facilitate the registration of and protection of trademarks and established limitations on the use of geographical indications; and
- address the problems of infringement of intellectual property rights in a manner that balances the rights and interests of the relevant right holders, service providers and users while respecting the interests of other relevant stakeholders.

We certainly believe that within the Trans Pacific region, improvements are needed in order to achieve robust intellectual property and antipiracy protections. To ensure an effective mechanism to combat intellectual property theft, a harmonized approach is necessary to strengthen enforcement and cooperation with our closest trading partners. Moreover, the Administration should continue to work to ensure the TPP agreement reflects a strong balance of copyright protection that will allow the digital economy to thrive and benefit consumers, scholars, writers, artists and others. As the negotiations continue, we look forward to continuing to work with you and others in the Administration to ensure the TPP opens new markets to American industry, creates jobs, and protects the integrity of American ingenuity.

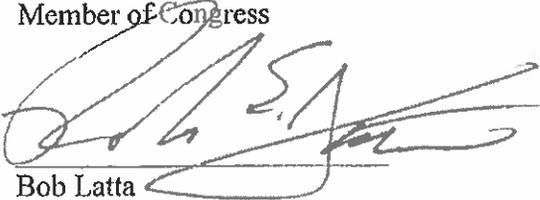
Sincerely,



Michael T. McCaul
Member of Congress



Doris O. Matsui
Member of Congress



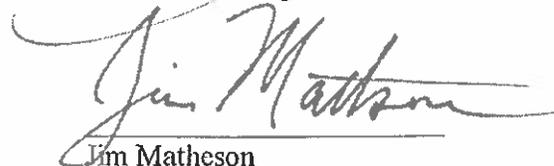
Bob Latta
Member of Congress



Anna Eshoo
Member of Congress



Blake Farenthold
Member of Congress



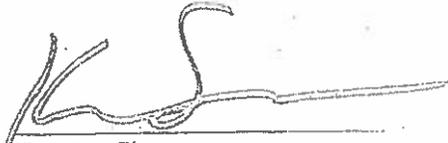
Jim Matheson
Member of Congress



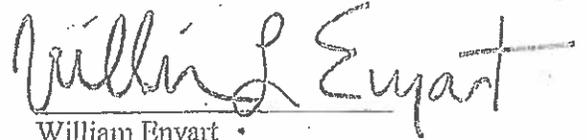
Mike Honda
Member of Congress



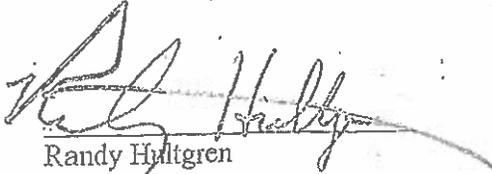
Matt Salmon
Member of Congress



Kyrsten Sinema
Member of Congress



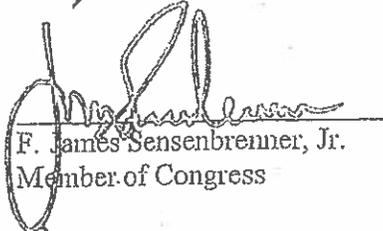
William Enyart
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Randy Hultgren
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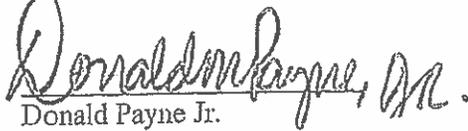
Suzanne Bonamici
Member of Congress



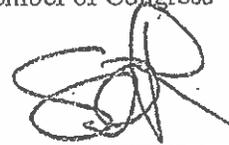
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Member of Congress



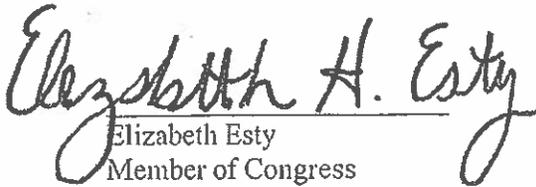
Ann McLane Kuster
Member of Congress



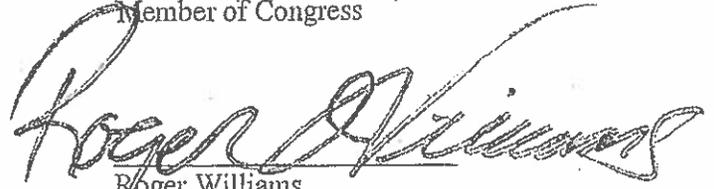
Donald Payne Jr.
Member of Congress



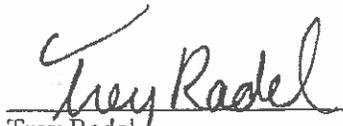
Scott Peters
Member of Congress



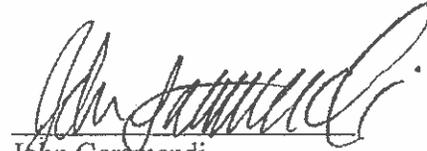
Elizabeth Esty
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