

July 25, 2018

Ambassador Robert Lighthizer
United States Trade Representative
600 17th Street NW
Washington, D.C. 20006

Dear Ambassador Lighthizer:

As the negotiations to modernize the North American Free Trade Agreement (“NAFTA”) resume today with leaders from Mexico, ACTION for Trade writes to urge the Administration to use this unique opportunity to reach an agreement that includes strong standards and enforcement provisions for protecting intellectual property (“IP”) that can be a model for other agreements.

The American Creative, Technology & Innovative Organizations Network for Trade (“ACTION for Trade”) is a coalition of like-minded business associations and companies that seeks to advance economic growth based on creativity and innovation through the protection of unique intellectual property in the U.S. trade agenda. In these diverse industries – which span audiovisual, music, and literary content development, production, publication, and distribution; innovative biopharmaceutical manufacturing; and technology and software development – companies rely on the strong protection of their IP around the world, new market access opportunities, and fair international trading rules in order to significantly contribute to the American economy.

IP-intensive sectors pay higher wages, send more exports, and spur faster economic growth than their non-IP-intensive counterparts, and protecting their innovative and creative works in free trade agreements like NAFTA is essential for America’s economic prosperity.

Specifically, a modernized NAFTA should include strong IP standards and enforcement provisions that:

1. Value innovation through market-based pricing and reimbursement systems, transparent processes, and accountability;
2. Provide regulatory data protection of 12 years for biologic medicines and at least 5 years for small molecule treatments;
3. Limit exceptions to copyright, and ensure a clean and safe internet through secondary liability; and
4. Push our NAFTA trading partners to more forcefully confront counterfeiting and commercial piracy.

For additional details about these policies, you may see our earlier letters and submissions that are hereby attached.

As the NAFTA parties look to conclude modernization negotiations, we look forward to continuing to work with you to ensure that American creativity and innovation is fully valued abroad.

Sincerely,

ACTION for Trade

Cc: Secretary Wilbur Ross, Department of Commerce
Senator Orrin Hatch, Chairman, Senate Finance Committee
Senator Ron Wyden, Ranking Member, Senate Finance Committee
Representative Kevin Brady, Chairman, House Ways and Means Committee
Representative Richard Neal, Ranking Member, House Ways and Means Committee