

November 19, 2009

Dear Chairmen and Ranking Members:

The United States is currently engaged in discussions with many of its major trading partners to negotiate a new agreement: the Anti-Counterfeiting Trade Agreement (ACTA) -- to enhance and strengthen the global fight against piracy and counterfeiting. When concluded, the agreement will hopefully complement the work you have championed in the Congress to build in the U.S. an intellectual property rights system necessary to foster the innovation and job creation that will grow the U.S. economy in the 21st century. ACTA has the potential to: preserve high value American jobs, and create new ones; buttress our country's leading position in the creation, publishing and distribution of software, videogames, films, music, books, television programs, journals, visual materials and other works protected by copyright; and strengthen the ability of U.S. businesses to finance, produce and distribute intellectual property, promoting competition and innovation worldwide.

We strongly support the Administration's efforts to negotiate a sound and comprehensive ACTA that codifies best practices for copyright enforcement, and we urge you to do so as well.

The need for this new agreement is clear. The enforcement standards in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), drawn up nearly 20 years ago, forms an essential foundation for copyright enforcement. But over the past two decades, technology has not stood still, and copyright theft has expanded on an unprecedented scale, depriving creators and copyright owners and those they employ of the return they deserve on their crucial investments of creativity, expertise, hard work, and resources. Online theft is a critical challenge for each of the diverse copyright-based sectors represented by the signatories to this letter. In this regard, it is essential that ACTA include a robust Internet chapter that, among other things, provides legal incentives for cross-industry cooperation to combat online piracy.

You in Congress have defined adequate and effective intellectual property protection under U.S. trade law as "the extent to which the country provides protection of intellectual property rights *consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights*" 19 U.S.C. 2703(b)(5)(B)(ii) (emphasis added). As you have recognized, it is long past time to build on the foundation that TRIPS provided, and to raise minimum global standards to reflect the marketplace changes and the lessons learned from enforcement efforts in many countries. That, in essence, is the thrust of the ACTA negotiations: to codify best enforcement practices that add to the framework provided by TRIPS, and promote legitimate commerce in copyrighted works that satisfies consumers, provides creators with incentives to continue creating and distributing original works, and contributes to an overall healthy, global economy.

Of course, we do not know yet whether the ACTA negotiations will live up to their potential and produce a sound, comprehensive agreement that delivers real benefits to creators

and consumers alike. But we do know it is an effort well worth supporting. We urge you and your Congressional colleagues to continue to do so.

Respectfully submitted by:

Advertising Photographers of America

American Association of Independent Music (A2IM)

American Federation of Television and Radio Artists (AFTRA)

American Society of Composers, Authors and Publishers (ASCAP)

American Society of Media Photographers, Inc. (ASMP)

Association of American Publishers (AAP)

Broadcast Music, Inc (BMI)

Commercial Photographers International

Directors Guild of America (DGA)

Evidence Photographers International Council

Independent Film and Television Alliance (IFTA)

International Alliance of Theatrical Stage Employees (IATSE)

Motion Picture Association of America, Inc. (MPAA)

National Music Publishers Association (NMPA)

NBC Universal

News Corporation

Picture Archive Council of America (PACA)

Professional Photographers of America (PPA)

Recording Industry Association of America (RIAA)

Reed Elsevier Inc.

Society of Sport & Event Photographers

Software & Information Industry Association (SIIA)

Stock Artists Alliance

Student Photographic Society

The Advertising Photographers of America

The Walt Disney Company

Time Warner, Inc.

Universal Music Group

Viacom Inc.

Warner Music Group

Chairman Patrick Leahy, Senate Judiciary Committee

Ranking Member Jeff Sessions, Senate Judiciary Committee

Chairman Max Baucus, Senate Finance Committee

Ranking Member Charles E. Grassley, Senate Finance Committee

Chairman John Conyers, House Committee of the Judiciary

Ranking Member Lamar Smith, House Committee on the Judiciary

Chairman Charles Rangel, House Committee on Ways and Means

Ranking Dave Camp, House Committee on Ways and Means

Chairman Henry Waxman, House Committee on Energy and Commerce

Ranking Member Joe Barton, House Committee on Energy and Commerce

cc. Ambassador Ron Kirk