



**MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.**  
1600 Eye Street, NW  
Washington, DC 20006  
(202) 293-1966

DAN GLICKMAN  
Chairman and  
Chief Executive Officer

November 19, 2009

Dear Chairman Leahy:

The Motion Picture Association of America (MPAA) strongly supports the Administration's decision to pursue conclusion of the Anti-Counterfeiting Trade Agreement (ACTA). We first expressed our support of this initiative when it was launched in October 2007 and later through a series of public filings and participation in public meetings. Our interests in a robust ACTA are broad, ranging from providing *ex-officio* authority for law enforcement and customs officials to securing both the legal and practical tools necessary to protect intellectual property rights online.

We urge you to support the Administration's efforts to negotiate a sound and comprehensive ACTA that codifies best practices for copyright enforcement. The ability to finance, create and distribute entertainment, and the livelihood of the talented and dedicated men and women who work in our industry are dependent upon our ability to protect the intellectual property that is the lifeblood of our industry.

Outcries on the lack of transparency in the ACTA negotiations are a distraction. They distract from the substance and the ambition of the ACTA which are to work with key trading partners to combat piracy and counterfeiting across the global marketplace.

We appreciate the US government's efforts thus far to broaden its consultative process on the ACTA. Despite these exceptional efforts, the protests persist, fostering apprehension over the Agreement's substance. We understand that the ACTA parties agree on the desirability to provide meaningful opportunities for the public to provide input. We support this objective and encourage the US government to direct that process so that we can engage in a meaningful dialogue on substance rather than procedural matters.

Here is what is at stake: The US motion picture industry continues to be a cornerstone of America's creative economy, employing millions of Americans in skilled, high value jobs. Over 180,000 people work in studios, independent production and distribution companies, and for the core industry suppliers, such as film labs, special effects and digital studios, and in prop and

wardrobe houses. The industry employs another 231,000 workers, including technical and craft specialists, actors, directors, writers, and musicians. Our industry also generates nearly 1 million indirect jobs. The US motion picture and television industry is one of the few US industries that consistently generates, even in these difficult economic times, a positive balance of trade, distributing films to over 150 countries around the world. In 2007, that surplus was \$13.6 billion.

Internet piracy has emerged as the fastest growing threat to the filmed entertainment industry. Our highest priority is enhancing the protection and enforcement of intellectual property rights online. MPAA firmly believes that a strong ACTA should address this challenge, raising the level and effectiveness of copyright enforcement in the digital and online marketplaces. Unfortunately for the millions of Americans who work in and rely on the motion picture industry, this is precisely the arena in which the ACTA negotiation has come under strident attack.

Technological advances have enabled more copyrighted works to be disseminated to more people in more countries through more media than ever before. But the inescapable truth about this dissemination is that the vast majority of it is illegal, and delivers no benefit to those who created these works in the first place or invested in their development and distribution. Piracy on an unprecedented scale is depriving creators and copyright owners of the return they deserve on their massive investments of creativity, expertise, hard work, and other resources. This undermines the creative sector in every country, and threatens the future viability of the enormous contributions the US motion picture industry makes to jobs, exports, and economic growth here in the U.S. An enhanced global commitment to enforcement of the copyright laws now on the books is an essential ingredient in pushing back this threat.

Opponents of ACTA are either indifferent to this situation, or actively hostile toward efforts to improve copyright enforcement worldwide. Many of them decried the WTO TRIPS agreement when it came into force in the 1990's and they now insist that any effort to build upon the TRIPS minimum standards for enforcement is "anti-consumer and anti-innovation." This view overlooks the common stake that consumers and innovators share in ensuring the health of the creative sector of our economy. It is also at variance with Congress' demonstrated interest in improving the enforcement of US intellectual property rights through PRO-IP and is an attempt to erode the regimes you and your colleagues have wisely supported.

The TRIPS enforcement standards, drawn up nearly 20 years ago, form an essential foundation for enforcement efforts in the US and other countries. But these are minimum standards. The ACTA provides the US and its key trading partners an opportunity to build on these minimum enforcement standards, drawing on lessons learned from enforcement efforts here and abroad, to reflect the reality of the global digital economy and respond to current business models.

In the evolving online marketplace, a critical element of this best practices framework involves legal incentives that promote cooperation between right holders and service providers to clean up the pervasive piracy that pollutes the market. This is not a zero sum game. The common interest of the technology, communications and content sectors is a predictable marketplace in which legitimate commerce in creative works is safe, reliable, convenient, and

inexpensive. Massive online infringement undermines that common interest and stifles healthy economic growth. Around the ACTA table, our government is coming together with like-minded trading partners to foster a key prerequisite for that growth—effective enforcement of copyright laws. That effort is completely consistent with both the letter and the spirit of the TRIPS Agreement and the other treaties that make up the robust global framework of copyright law.

The MPAA and our member companies support the goals of the ACTA. We firmly believe that for the ACTA to meet its full potential, it must include robust online protections. We hope you will support the Administration's efforts to work with other ACTA parties to achieve this objective and to provide for continued transparency as the negotiation moves forward. I am sending a similar letter to Senator Sessions and the Chairmen and Ranking Members of the Senate Finance Committee, House Judiciary Committee, House Committee on Ways and Means, and House Committee on Energy and Commerce.

With best personal regards, I am,

Sincerely,

A handwritten signature in black ink that reads "Dan Glickman". The signature is written in a cursive, flowing style.

Dan Glickman  
Chairman and Chief Executive Officer

cc: Ambassador Ron Kirk

Chairman Patrick J. Leahy  
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Washington, DC 20510