

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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January 30, 2009

TO THE MEMBERS OF THE UNITED STATES CONGRESS:

The U.S. Chamber of Commerce's Global Intellectual Property Center (GIPC), which represents a broad spectrum of intellectual property-intensive companies, is dedicated to protecting and promoting the ideas and innovation that serve as key engines of job creation, American competitiveness, and global development in the 21st Century. GIPC believes Congress can expand economic growth by addressing several IP-related issues.

Industries based on intellectual property (IP) account for more than \$5 trillion of the U.S. gross domestic product, drive more than half of U.S. exports, and employ over 18 million Americans. The U.S. IP system is also designed to protect creators' and inventors' rights and to ensure the inventions consumers use are authentic, safe, and effective.

Today, however, America's innovation economy faces threats from criminal counterfeiting and piracy networks, as well as foreign governments and special interest groups determined to weaken IP rights and undermine patent protections around the world. Some governments want to take America's innovations to bolster their own economies. These threats are likely to grow along with other protectionist measures in response to the current economic situation. In the face of these challenges, the Global IP Center is committed to working with Congress to accomplish the following priorities during the coming year:

**Fully Fund and Implement the "PRO-IP Act" (PL 110-403)**

Congress' overwhelming approval of this bipartisan legislation last year was an important step towards better protecting and enforcing IP rights. The increased resources for IP enforcement, improved interagency coordination, and additional legal tools provided by the PRO-IP Act will help reduce IP theft. Although Congress will be forced to make difficult decisions related to funding levels for federal programs, GIPC believes the revenues obtained from enhanced enforcement will more than offset the legislation's cost. Congress should make it a top priority to fully fund the authorizations contained in the law and provide adequate oversight of the administration's implementation and enforcement.

**Preserve A Strong International IP Legal Framework**

It is vital that Congress address broader threats to American jobs, consumer safety, and innovation by strengthening and defending the current system of international IP laws and norms. Congress can be instrumental in these efforts by approving trade agreements

with strong global IP protections; opposing international efforts to weaken IP rights in rule-setting institutions or to impose or expand inappropriate and unwarranted exceptions to patent protections; and, as a means of ushering a new era of “green jobs,” supporting the adoption of IP-protected, technology-based solutions to climate change in the run-up to final negotiations at the United Nations Framework Convention on Climate Change in December 2009.

### **Improve Border Enforcement Against Counterfeiting and Piracy**

Congress should use the authorization process to bolster IP enforcement resources and tools for the Department of Homeland Security through its Customs and Border Protection and Immigration and Customs Enforcement agencies. Congress should also seek to improve coordination of the federal government’s IP enforcement resources by raising anti-counterfeiting and piracy responsibilities to senior levels at these agencies.

### **Reform the U.S. Patent & Trademark Office (PTO)**

The U.S. PTO is an agency facing significant challenges, including a backlog that has grown to 750,000 applications. Congress should pursue PTO reform to improve the quality of patents, patent examiner retention, and PTO’s relationship with the user community. Reform should also ensure that PTO user fees are available to the Office to address these challenges and to carry out the agency’s core mission.

### **Ensure IP Enforcement by U.S. Trading Partners**

Congress should enact legislation to improve the U.S. Trade Representative’s (USTR) “Special 301” process, which would help the USTR deal more effectively with countries that fail to respect and enforce the rights of American innovators and live up to their international IP obligations. This legislation should require an action plan for Priority Watch List countries that includes clear benchmarks to measure performance, and also authorize new IP attaches at key U.S. embassies abroad. Along these same lines, Congress should also support negotiations for a substantive and enforceable Anti-Counterfeiting Trade Agreement (ACTA) with America’s major trading partners.

### **Executive Branch Oversight and Engagement**

Congress should ensure the administration is fulfilling its IP protection and enforcement responsibilities and work to ensure that protection of global IP—so vital to the international competitiveness of U.S. companies—remains a centerpiece of the new administration’s trade policy. To this end, GIPC is eager to work with Congress to offer the business community’s perspective on these issues.

Congress has much to do in the coming year. Yet, the challenges facing America and the world today make Congress’ continued support for IP rights and the swift passage of legislation to protect and promote IP at home and abroad essential. The GIPC believes Congress, the administration, the business community, labor, and other stakeholders can work collaboratively to safeguard and create jobs while protecting consumer health and safety.

To discuss how Congress can advance an IP agenda that will ensure the future strength and competitiveness of America's innovative sectors, please contact Chris Merida or Chris Cylke at (202) 544-0060, ext. 223.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." and last name "Josten" being more prominent.

R. Bruce Josten