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April 15, 2010

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The Honorable Ronald Kirk
United States Trade Representative
600 Seventeenth Street, N.W.
Washington, D.C. 20508

Dear Ambassador Kirk:

We commend your office's active participation in the negotiation of the Anti-Counterfeiting Trade Agreement (ACTA), an important initiative that will help protect intellectual property in the global economy. We urge you to continue to work diligently during the discussions in New Zealand this week with the goal of concluding an effective agreement by the end of 2010.

Intellectual property-based industries currently account for a significant portion of our nation's economic output and provide millions of quality, high-wage American jobs. As our economy continues to evolve in the 21st century, intellectual property (IP) will undoubtedly play an even more important role. At the same time, IP theft represents a significant threat that is on the rise and must be addressed. It is estimated that piracy and counterfeiting cost U.S. individuals and businesses billions of dollars annually and have been responsible for the loss of hundreds of thousands of U.S. jobs. With advancements in the ability to pirate and counterfeit and then distribute copyrighted and trademarked goods, there is a growing need to respond to the proliferation of intellectual property theft. It is our hope that ACTA will help establish improved international standards for protecting intellectual property rights, which will prevent illegal activity from undermining legitimate trade and business.

We are aware that there have been some concerns regarding transparency in the ACTA negotiation process, and we support your office's efforts to address those concerns to the greatest degree practicable. The establishment of an ACTA web page on the USTR website containing a summary of the issues under negotiation, as well as agendas for each ACTA meeting, is a significant step toward promoting greater public awareness. We also understand that the ACTA partners at the Seoul negotiations last November endorsed your office's proposal to facilitate greater public input during these negotiations, which we believe lays the groundwork for greater transparency in 2010.

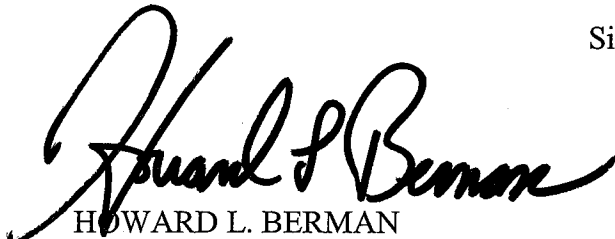
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Our understanding is that much of the concern expressed about ACTA pertains to the internet provisions. While issues such as increased responsibility for intermediaries are being discussed domestically in terms of possible changes to U.S. law, we understand that ACTA will be limited to the bounds of existing law.

To enable us to provide greater support to your efforts, we would like to request that USTR staff conduct an ACTA briefing for Members and staff of the House Committee on Foreign Affairs during the month of April. Please contact Shanna Winters, General Counsel, at 202-225-5021 and Doug Seay on the Minority staff at 202-225-5043 to schedule a convenient time for a briefing.

The cooperation among the countries participating in the ACTA negotiations represents a welcome interest in protecting intellectual property rights, and we thank you for ensuring that the United States remains a leader in that process.

Sincerely,



HOWARD L. BERMAN
Chairman



ILEANA ROS-LEHTINEN
Ranking Republican Member