



November 15, 2017

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

Dear Ambassador Lighthizer:

We write to express our concerns, in the context of the ongoing North American Free Trade Agreement (NAFTA) modernization talks, that the administration may be considering departing from a carefully calibrated and balanced compromise among all key stakeholders in the area of copyright. NAFTA is essential for encouraging trade between our two biggest trading partners, and with a strong and properly balanced copyright framework, a continued agreement will promote the success of our industry in the North American market, as well as the growth of our economy as a whole.

U.S. innovation, job creation, and economic growth – all of which are increasingly enabled by our companies' products and services – depend upon a strong and balanced approach to copyright. While we recognize the Administration's decision to withdraw from the Trans-Pacific Partnership earlier this year, we believe that the copyright provisions negotiated with Canada, Mexico, and other countries in that agreement provides the best framework for addressing copyright in NAFTA. In short, there was a thorough and wide-ranging debate among the full range of stakeholders regarding the appropriate approach to copyright. No stakeholder got everything it wanted, but the various interests ultimately supported a collective approach that reflected U.S. law.

Under the *Bipartisan Congressional Trade Priorities and Accountability Act of 2015* (TPA), Congress stipulated that trade agreements should “foster an appropriate balance in copyright systems, inter alia by means of limitations and exceptions,” and should include the safe harbors contained in Digital Millennium Copyright Act. These key elements of TPA reflect U.S. law (17 U.S.C. § 107 and 17 U.S.C. § 512) and together with other measures in NAFTA, will create new economic opportunities for American consumers, workers, small businesses, software developers, content creators, and manufacturers.

Finding the right balance in the area of copyright is essential for our companies. Many of our companies’ products and services depend on advancing the interests of both rights holders and innovative content creators, while ensuring the free and open Internet already enshrined in U.S. law. E-commerce platforms, cloud services, cybersecurity testing services, streaming services, text and data mining tools, machine learning, a vibrant entertainment industry, and numerous other current and future innovations are possible in part because the United States has a strong and balanced copyright framework – one that both protects new artistic creation and enables ongoing innovation. These technologies drive U.S. exports and support American jobs of all kinds, from agriculture to manufactured goods, and lower market entry barriers for small businesses that require nimble, scalable services to reach global markets.

An appropriately balanced approach to copyright protections is not just good for business, it also supports American jobs and American innovation. Industries that rely on balanced copyright employ 18 million U.S. workers and facilitate the export of \$368 billion in goods and services annually<sup>1</sup> - a figure that could increase if NAFTA secures the right protections for all parties. To ensure that we do not deprive our manufacturers, service providers, IP-intensive companies, and small businesses – as well as all of their workers – of the critical benefits associated with a balanced approach to copyright, we urge the Administration to return to the compromise that all interested parties have already worked out.

Sincerely,

Computer and Communications Industry Association  
Consumer Technology Association  
Digital Media Association  
Engine Advocacy  
Information Technology Industry Council  
Internet Association  
Internet Infrastructure Coalition - i2Coalition  
National Foreign Trade Council

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<sup>1</sup> <http://www.ccianet.org/fairusestudy>

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