

Intellectual Property Guidelines for the 114th Congress

AN OPEN LETTER



Dear Members of Congress,

Congratulations to the Members of the 114th Congress! It is an exciting time for America, particularly in the knowledge-based economy. American entrepreneurship, ingenuity and creativity lead the world, and we believe that Intellectual Property Rights are the key to maintaining global competitiveness.

The undersigned organizations represent millions of Americans through both state and national advocacy or engage in rigorous research and educational work on intellectual property rights. We would like to share with you our strong support for all types of intellectual property, by providing you with the following information and guidelines that our respective organizations look to when we consider intellectual property.

Intellectual Property Rights Are Grounded in the Constitution

The Founding Fathers recognized the importance of IP in Article 1, Section 8 of the Constitution: "To promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

This clause, articulated by the founders, is rooted in the notion that the best way to encourage creation and dissemination of new inventions and creative works to the benefit of both the public good and individual liberty is to recognize one's right to his or her intellectual property.

Intellectual Property Rights Are a Fundamental Property Right Deserving the Same Respect as Physical Property

James Madison elaborated on this provision of the Constitution in Federalist Paper #43; with regard to intellectual property, as with all property rights protected in the common law, "[t]he public good fully coincides ... with the claims of individuals."

Intellectual Property Rights Promote Free Speech and Expression

Strong IP rights go hand in hand with free speech as creators vigorously defend their ability to create works of their choosing, free from censorship.

By affording innovators and creators the ability to support themselves, IP rights promote free expression unencumbered by government.

Intellectual Property Rights Are Vital to Economic Competitiveness

IP rights create jobs and fuel economic growth, turning intangible assets into exclusive property that can be traded in the marketplace.

The most recent report on IP-related jobs in the U.S. from the Department of Commerce and the Patent and Trademark Office found that in 2010, direct employment in the most IP-intensive industries in the U.S. accounted for 27.1 million jobs, and indirect activities associated with those industries provided an additional 12.9 million jobs for a total of 40 million jobs, or 27.7 percent of all jobs in the economy.

According to economists Kevin A. Hassett and Robert J. Shapiro, in 2010 the value of IP in the U.S. was between \$8.1 trillion and \$9.2 trillion, or the equivalent of 55-62.5 percent of GDP. In a knowledge-based global economy, America's ability to remain a world leader in innovation depends on strong protection of IP.

Intellectual Property Rights Must Be Protected Internationally Through Effective IP Provisions in Trade Agreements

Far too many foreign governments look the other way when it comes to the theft of IP. The lure of access to the U.S. market should be used as an incentive to convince trading partners that they should increase their protection of IP rights. Therefore, strong IP protections are integral to all trade agreement negotiations.

Intellectual Property Rights Are Integral to Consumer Protection and National Security

IP rights protect consumers by enabling them to make educated choices about the safety, reliability, and effectiveness of their purchases. The protection of IP rights is also vital to national security by preventing counterfeit parts, which compromise the reliability of weapons systems and the safety of military personnel, from entering the defense supply chain.

Intellectual Property Rights Must Be Respected and Protected on the Internet

The Internet is an incredible platform for innovation, creativity and commerce enabling widespread distribution of ideas and information. However, IP theft online is a persistent and growing problem. Protecting IP and Internet freedom are both critically important and complementary; they are not mutually exclusive.

A truly free Internet, like any truly free community, is one where people can engage in legitimate activities safely, and where bad actors are held accountable.

Voluntary Initiatives to Address Intellectual Property Theft Are Positive

Good faith actors in the Internet ecosystem should engage in private sector, voluntary initiatives to address illegal conduct. These voluntary efforts can empower consumers to make educated decisions about their online activities and encourage investment, innovation and jobs.

We encourage you to consider these guidelines as you review and discuss existing laws and regulations governing IP. The Founding Fathers understood that by protecting the proprietary rights of artists, authors, entrepreneurs, innovators, and inventors, they were promoting the greater public welfare. The continued protection of these fundamental rights is essential to American innovation and competitiveness.

Sincerely,

James L. Martin
Chairman
60 Plus Association

Phil Kerpen
President
American Commitment

Daniel Schneider
Executive Director
American Conservative Union

Carly Fiorina
Chairman
American Conservative Union Foundation

Steve Pociask
President
American Consumer Institute
Center for Citizen Research

Thomas Sydnor II
Visiting Fellow
Center for Internet, Communications,
and Technology Policy
American Enterprise Institute

Ned Ryun
Chairman
American Majority

Douglas "Dee" Stewart
President
Americans for a Balanced Budget

Stephen DeMaura
President
Americans For Job Security

Grover G. Norquist
President
Americans For Tax Reform

Jeffrey Mazzella
President
Center for Individual Freedom

Peter Pitts
President
The Center for Medicine in the
Public Interest

Adam Mossoff
Professor of Law, George Mason
University School of Law
Co-Founder and Director of
Academic Programs,
Center for the Protection of
Intellectual Property

Mark Schultz
Professor of Law, Southern Illinois
University School of Law
Co-Founder and Director of
Academic Programs,
Center for the Protection of
Intellectual Property

Chuck Muth
President
Citizen Outreach

Col Francis X. De Luca USMCR(Ret)
President
Civitas Institute

Thomas A. Schatz
President
Council for Citizens Against
Government Waste

Katie McAuliffe
Executive Director
Digital Liberty

Hance Haney
Director and Senior Fellow, Technology
and Democracy Project
Discovery Institute

Charles Sauer
President
Entrepreneurs for Growth

Robert Roper
President
Ethan Allen Institute

Eric Feinberg
Executive Director
Fans Against Kounterfeit Enterprises

George Landrith
President
Frontiers of Freedom

Grace-Marie Turner
President
Galen Institute

Michael Krull
Adj. Professor of Politics and Public Policy
Georgetown University

Louie Hunter
Chairman
Georgia Center Right Coalition

Dr. Keli'i Akina
President
Grassroot Institute of Hawaii

Mario H. Lopez
President
Hispanic Leadership Fund

Harold Furchtgott-Roth
Senior Fellow
Hudson Institute

Sabrina Schaeffer
Executive Director
Independent Women's Forum

Robert D. Atkinson,
Founder & President
Information, Technology & Innovation
Foundation

Andrew M. Langer
President
Institute for Liberty

Tom Giovanetti
President
Institute for Policy Innovation

Geoff Manne
Executive Director
International Center for Law & Economics

Ambassador Mark Green
President
International Republican Institute

Sal J. Nuzzo
Vice President of Policy
The James Madison Institute

Seton Motley
President
Less Government

Colin Hanna
President
Let Freedom Ring

Bartlett D. Cleland
Managing Principal
Madery Bridge Associates, LLC

Mary Adams
Leader
Maine Center-Right Coalition Leader

Matthew Gagnon
Chief Executive Officer
Maine Heritage Policy Center

Stephen Parente, PhD
Director
Medical Industry Leadership Institute
(MILI) University of Minnesota

Brian McClung
Chairman
Minnesota Center Right Coalition

Kim Keenan
President & CEO
Minority Media & Telecommunications
Council

Lieutenant Colonel Allen B. West
(US Army, Ret) President/CEO
National Center for Policy Analysis

Justin Vélez-Hagan
Founder / Executive Director
National Puerto Rican Chamber of
Commerce

Todd McCracken
President and CEO
National Small Business Association

Scott Cleland
Chairman
Net Competition

Sally C. Pipes
President and CEO
Pacific Research Institute

Kevin P. Kane

President
Pelican Institute for Public Policy

Charlie Gerow

Chairman
Pennsylvania Center Right Coalition

Ron Nehring

Chairman
Project for California's Future

Lorenzo Montanari

Executive Director
Property Rights Alliance

Don Racheter, PhD

President
Public Interest Institute

Steve Smith

Executive Director
Rainbow PUSH Coalition

Jason Llorenz, JD

Senior Fellow
Rutgers University School of
Communication & Information

Karen Kerrigan

President & CEO
Small Business & Entrepreneurship
Council

David Williams

President
Taxpayers Protection Alliance

Patrick Rosenstiel

Executive Director
Trade Alliance to Promote Prosperity

Javier Palomarez

President and CEO
United States Hispanic Chamber of
Commerce

Gregory Dolin

Associate Professor of Law & Co-Director,
Center for Medicine and Law
Associate Director, Center for Law of
Intellectual Property & Technology
University of Baltimore School of Law

Chris Holman

Professor of Law
University of Missouri–Kansas City
School of Law

Kristen Jakobsen Osenga

Professor of Law
University of Richmond School of Law

Jonathan Taplin

Director, Annenberg Innovation Lab
University of Southern California

Ron Busby

President and CEO
US Black Chambers, Inc.

Susan Au Allen

National President and CEO
US Pan Asian American Chamber
of Commerce
Education Foundation

Barbara Kasoff

President and Co-Founder
Women Impacting Public Policy, Inc.