

# Congress of the United States

Washington, DC 20510

The Honorable Ron Kirk  
United States Trade Representative  
6007 17<sup>th</sup> Street, NW  
Washington, DC 20508

Dear Ambassador Kirk:

We write to insist – in the strongest terms possible – that the Office of the United States Trade Representative (USTR) reveal to the American people what specifically the USTR is seeking in the Trans Pacific Partnership (TPP) agreement with respect to intellectual property rights (IPR).

We understand that international trade negotiations are complex and challenging, in part because the scope of free trade agreements (FTAs) has expanded over time. FTAs now impact nearly every component of the U.S. economy. The terms of these FTAs do not just impact the way in which businesses will engage in international commerce; these agreements shape many domestic policies. Disciplines related to IPR could impact how people gain access to the Internet and could constrain what people may say online or how they can collaborate and share content. Furthermore, the IPR chapters of FTAs influence how consumers gain access to innovative and affordable pharmaceuticals drugs. It is imperative that the IPR chapter of the proposed TPP agreement not inappropriately constrain online activity. Poorly-constructed IPR disciplines that erode Internet freedom could impede innovation, economic growth, and speech. Ill-conceived IPR provisions could hinder consumers' ability to buy effective, affordable, safe pharmaceutical drugs.

Regrettably, the American people know very little about what the USTR is seeking in TPP generally, but specifically on IPR. We believe that among all the areas of the TPP negotiations, the matters considered in the IPR chapter are ones in which there is particular public interest, therefore the USTR should be especially transparent and collaborative with the general public on these issues.

The American people deserve to know what the administration is purportedly seeking on its behalf.

We insist that, as expeditiously as possible, the USTR provide to the public detailed information about what obligations (and exceptions) the USTR is seeking in the IPR chapter. We call on the USTR to be particularly explicit with respect to what it aims to obtain as it relates to pharmaceutical drugs and enforcement of intellectual property rights online. Finally, it is important that the USTR convey to the American people whether the USTR is pursuing disciplines elsewhere in TPP that will promote an open and free Internet, given the Internet's increasing role in facilitating American exports of traditional goods and services as well as digital goods and services.

Respectfully,

Members of Congress