



Before the Trade Policy Staff Committee
Hearing on Transatlantic Trade and Investment Partnership

Oral Statement of Steven J. Metalitz
Counsel, International Intellectual Property Alliance

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Thank you for this opportunity to present the views of the International Intellectual Property Alliance, which has represented the U.S. copyright industries in seeking strong copyright protection and enforcement overseas for nearly three decades. Please see our written testimony for details about our seven member associations.

As you will hear from many witnesses today, the United States and the European Union are important trading partners. These two huge economies also share a common interest in strong protection of intellectual property. With respect to copyright in particular, on both sides of the Atlantic, businesses that depend on copyright protection make outsized contributions to economic growth, to good and high-paying jobs, and to international trade and exports. Both American and European creators produce music, movies, books, software and games that are prized in markets around the world. It is no wonder that, in the words of the High Level Working Group report, “both the EU and the US are committed to maintaining and promoting a high level of intellectual property protection, including enforcement.” The Transatlantic Trade and Investment Partnership should reflect this shared commitment through a meaningful intellectual property chapter.

However, that intellectual property chapter should look quite different – at least with respect to copyright – than the corresponding chapters of other trade agreements that the US has negotiated in the past, or that it is negotiating today. The reason is not, as some other witnesses may tell you, because those chapters lack balance or are too rigid. The real reason is simple: such provisions are unnecessary in the TTIP. Although piracy remains a serious problem in both the US and Europe, both partners in the TTIP already have in place modern copyright law and enforcement regimes, that are also harmonized to a considerable extent. There is therefore no

need to use the TTIP to substantially improve the level of protection provided by our negotiating partner, or to bring our respective regimes into closer alignment with respect to substantive law. Accordingly, IIPA believes that the copyright chapter of the TTIP should focus instead on a few critical areas where such an agreement can be effective in advancing important shared goals. I will mention three of them.

First, the US and the EU already cooperate extensively in international fora to advance our shared goals of promoting innovation and trade through strong protection for intellectual property. But we must do more, and we must do better. Whether in long-standing formal treaty organizations like the WTO and the WIPO, or the much newer and more diverse multi-stakeholder fora engaged in the escalating debate over Internet governance, we must be more effective in explaining and demonstrating how copyright protection fosters creativity, enriches society, and protects internationally recognized human rights. In all these fora, the US and the EU both face strong challenges from those who, for whatever motive, argue precisely the opposite. A successful TTIP will set out ways and means for the US and the EU to expand our cooperation in order to meet this challenge more effectively.

Second, we also face common challenges in third country markets where copyright is not adequately respected, and where piracy, especially online, is tolerated or perhaps even welcomed. The US and EU work together today to address these concerns, but there is considerable room for improvement. A successful TTIP will provide new mechanisms for coordinating, cooperating, and sharing enforcement expertise in order to help make critical third country markets more hospitable to the production, distribution and licensing of creative works.

Finally, although both the US and the EU operate within the same framework of international copyright and enforcement obligations, there is some diversity in how we implement those obligations. There is much to be gained from sharing information, crafting best practices, and learning from each other. A successful TTIP should identify key issues on which both sides could benefit from such exchanges, and look for opportunities to facilitate more efficient and more consistent execution of our implementation of common norms.

Thank you, and I would be happy to answer any questions.