

JARED POLIS
2ND DISTRICT, COLORADO

1433 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0602
(202) 225-2161
(202) 226-7840 (FAX)

website and email:
<http://polis.house.gov>



Congress of the United States
House of Representatives

PARLIAMENTARIAN OF THE WHIP

COMMITTEE ON
EDUCATION AND THE WORKFORCE

SUBCOMMITTEES:

EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION
HEALTH, EMPLOYMENT, LABOR,
AND PENSIONS

COMMITTEE ON RULES

STEERING AND POLICY

July 29, 2015

The Honorable Michael Froman
United States Trade Representative
600 17th Street, NW
Washington, D.C. 20508

Dear Ambassador Froman:

I write to you as a strong supporter of international trade and the positive role a well-crafted trade deal can play in the future of the Internet economy. The United States is the largest exporter of Internet-related services and products in the world today, and any trade deal must promote – not discourage or restrict – growth in this area. As you enter the final stages of negotiations over the Trans-Pacific Partnership (TPP), I encourage you to prioritize the inclusion of balanced intellectual property provisions that will promote technological innovation, protect free expression, and preserve the free and open character of the Internet.

While strong protections for the rights of copyright owners and creators are essential to fueling global innovation, the Internet economy would be unworkable if these rights were not balanced with limitations and exceptions that allow individuals to study, critique, and make transformative uses of one another's work. Therefore, even as I appreciate the inclusion of strong protection and enforcement provisions of intellectual property law in the TPP, I continue to urge you to include sufficient language supporting robust exclusive rights limitations, exceptions, and safe harbors.

In particular, I urge you to prioritize the inclusion of specific copyright exemptions that are essential to growing the digital economy and preserving the openness of the Internet, including fair use, machine analysis, and snippets in quotations. As you know, several nations throughout the world are currently engaging in "digital protectionism" tactics designed to deter competition (often from U.S. businesses) under the guise of enforcing intellectual property rights. The ability to, for instance, share and quote from published news reports and other websites is vital to protecting both the openness of the Internet and the right to free expression, and our trade policy should aim to export and protect these values. To do so, the TPP should require participating nations to meet an appropriately balanced standard in their IP frameworks that includes important limitations and exceptions.

It is also important that any trade deal preserve the ability of the U.S. Congress to adapt to the changing nature of technology, particularly with regard to controversial legal areas that may have a chilling effect on innovation. The TPP should recognize the importance of proportionality between offenses and remedies. The TPP should also permit appropriate flexibility for policies related to technological protection measures.

I know we share a commitment to supporting our nation's innovators, protecting free expression, and preserving the free and open character of the Internet, and that you are working to ensure that these values are reflected in our trade policy. As the TPP negotiations near their end, I look forward to collaborating with you to strengthen the global Internet economy on which so many of our nation's creators, inventors, consumers, and businesses depend.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Polis". The signature is fluid and cursive, with a large initial "J" and a distinct "P".

Jared Polis
Member of Congress