



U.S. CHAMBER OF COMMERCE



November 6, 2017

The Honorable Robert E. Lighthizer  
U.S. Trade Representative  
Office of the United States Trade Representative  
600 17th Street NW  
Washington, DC 20508  
Fax: (202) 395-4549

Dear Ambassador Lighthizer:

On behalf of our associations representing thousands of innovative U.S. companies that sustain millions of high-paying jobs and contribute billions of dollars to the U.S. economy every year, we thank you for your continued efforts to promote U.S. innovation and intellectual property around the world. Effective frameworks and protections for intellectual property, including the increasingly critical area of trade secrets, are vital to American manufacturers, creators, and inventors.

Securing effective trade secrets protection abroad is a pressing issue for U.S. innovators who face rising threats from cross-border misappropriation, corporate espionage, cyber-intrusions, and other forms of trade secret theft. Such theft can put thousands of high-paying jobs in the United States at risk, while also posing potential national security threats.

The United States and a handful of other countries have taken important steps to boost trade secrets protection. In the United States, passage of the Defend Trade Secrets Act in 2016 has helped further solidify trade secret protection and enforcement on a uniform basis. Internationally, our associations have seen positive developments including the European Union's new Trade Secrets Directive, positive efforts to promote trade secrets protection in Japan and Taiwan, and a willingness to advance enhanced trade secret protections among Asia-

Pacific Economic Cooperation (APEC) partners through the development of the *Best Practices in Trade Secret Protection and Enforcement against Misappropriation*.<sup>1</sup>

These recent actions suggest the timing is right for a focused government-to-government initiative on global trade secret protection. Specifically, we ask USTR to make global trade secrets protection a priority in trade negotiations and bilateral trade dialogues. We also ask you to work with the private sector in the Standing Dialogue on Trade Secrets, which was recently launched by American companies and is well-positioned to support U.S. government efforts in a variety of venues, such as the World Trade Organization (WTO).<sup>2</sup>

Additionally, we request USTR's support for trade secrets at the WTO. There is growing interest among a group of countries to establish a "Friends of Trade Secrets" dialogue that would enable interested WTO members to share experiences and best practices in creating effective frameworks for trade secrets protection, building momentum towards new commitments among countries that would level the playing field for American businesses. We strongly encourage the Administration to take a leadership role in promoting strong trade secrets protection, and welcome the opportunity to provide input in this effort.

Thank you for your efforts in support of American business. We look forward to working with you to support international trade secret protections that level the playing field for American companies and workers.

Sincerely,

Biotechnology Innovation Organization (BIO)  
BSA | The Software Alliance  
Information Technology Industry Council  
Intellectual Property Owners Association  
National Association of Manufacturers  
National Foreign Trade Council  
Pharmaceutical Research and Manufacturers of America (PhRMA)  
Semiconductor Industry Association  
United States Council for International Business  
U.S. Chamber of Commerce

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<sup>1</sup> In 2016 in Lima, APEC Leaders and Ministers endorsed a set of eight best practices meant to serve as a toolkit for policy development across the Asia Pacific. Available at: <https://ustr.gov/sites/default/files/11202016-US-Best-Practices-Trade-Secrets.pdf>

<sup>2</sup> In December 2016, private sector stakeholders held the first Trade Secret Standing Dialogue with participation from the U.S. Government and officials from key U.S. trading partners, which explored efforts to strengthen trade secret protection globally.