



February 17, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the undersigned organizations representing U.S. intellectual property rights holders and manufacturers, we are writing to respectfully request that you urgently nominate, and ensure rapid Senate confirmation of, executives for four currently unoccupied positions critical to protecting and enforcing intellectual property rights.

While the companies we represent may differ as far as the types of products they manufacture, they have one important thing in common: they prioritize the protection of intellectual property, including patents, trademarks, trade secrets, and copyrights. Our member companies' innovation and competitiveness are highly dependent on the protection of the intellectual property embedded in their products, designs, brands, and images. Intellectual property protection has a significant impact on the American economy by providing incentives for individuals and companies to invent and create and by protecting these

innovations from unauthorized copying and infringement. In fact, the Department of Commerce estimates that intellectual property intensive industries support more than 45 million American jobs and contribute over \$6.6 trillion to the U.S. economy. Conversely, stolen intellectual property rights cost our member companies billions of dollars in lost sales, damages to reputation, and substantial legal expenses. Ultimately, these costs lead to U.S. job losses and higher costs for U.S. consumers, including risking human health and safety.

Innovation and intellectual property have been crucial in creating vital products during the pandemic to keep us safe, healthy, and connected. Yet the COVID-19 pandemic has disrupted supply chains, closed physical markets, and driven a significant amount of commerce to online channels, making intellectual property protections more important than ever. The growth of e-commerce has connected consumers across the world to brands, platforms, marketplaces, and other consumers, which has had many positive benefits. At the same time, however, the rise of e-commerce has connected U.S. consumers with an ever-growing network of criminal counterfeiters, especially on popular consumer websites that offer platforms for third-party sellers. As a result, consumers are being exposed, often unknowingly, to counterfeit products that pose a risk to their health and safety. Particularly during the pandemic, it is crucial that Americans are bringing only authentic products into their homes – a task that is more challenging than brick and mortar shopping as U.S. consumers navigate the online environment.

Under your new administration, we call on you to demonstrate the continuity and expansion of coordinated enforcement efforts to protect U.S. intellectual property rights. We appreciated your support of the Office of the Intellectual Property Enforcement Coordinator (IPEC) during your time as Vice President, and we encourage you to fill these four key positions with executives deeply committed to protecting America’s intellectual property rights. By working to fill these roles at the earliest possible opportunity, we believe that this will signal that the protection of U.S. intellectual property rights is among your administration’s top policy priorities.

Chief Innovation and Intellectual Property Negotiator, USTR

As you know, in 2016, the Trade Facilitation and Trade Enforcement Act (TFTEA) of 2015 became law. Section 609 of TFTEA created a new position in USTR, the “Chief Innovation and Intellectual Property Negotiator.” Although this position was created, it has yet to be filled under the two previous administrations.

As your administration begins to conduct trade negotiations and enforce trade agreements related to U.S. intellectual property, it is critical that this position is filled. Moreover, it will be necessary for the Chief Innovation and Intellectual Property Negotiator to take appropriate actions to address acts, policies, and practices of foreign governments that have a significant adverse impact on the value of American innovation.

U.S. Intellectual Property Enforcement Coordinator (IPEC)

The Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC) is dedicated to the protection of the American intellectual property that powers our economy. Because the role of the IPEC is to coordinate the work of the Federal government to stop illegal and damaging intellectual property theft, it is critical that this position is quickly filled.

Director of the U.S. Patent and Trademark Office (USPTO)

The Director of the U.S. Patent and Trademark Office (USPTO) is the principal advisor to the President of the United States and the administration, through the Secretary of Commerce, on all intellectual property

policy matters. The Director also serves as the chief executive of the USPTO, ensuring that the agency achieves all its strategic and management goals.

While there is currently an acting director at the USPTO, it is imperative that you nominate a Director for quick confirmation by the Senate.

Commissioner of U.S. Customs and Border Protection (CBP)

U.S. Customs and Border Protection (CBP) is the primary federal agency responsible for securing America's borders. This includes the protection of intellectual property rights and safeguards against the infringement of U.S. patents, copyrights, and trademarks. CBP intercepts counterfeit and pirated goods that harm the U.S. economy and threaten the security, and, most importantly, the health and safety of Americans.

By designating the Commissioner of CBP at the earliest possible opportunity, the agency will be able to successfully carry out its multi-layered, risk-based approach to enforce intellectual property rights at the border.

We look forward to working with your administration and relevant government agencies to ensure intellectual property is prioritized as a top policy concern of this administration.

Thank you for your consideration on this important matter.

Sincerely,



Stephen Lamar
President & CEO
AAFA



David Spangler
SVP, Legal, Government Affairs
& Policy
CHPA



Kelly Mariotti
Executive Director
JPMA



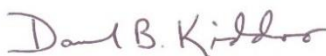
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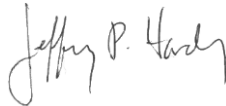
Bob Barchiesi
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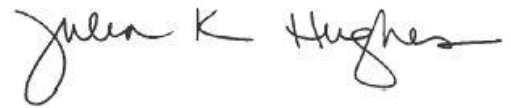
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