

Dear Mr. President:

The undersigned unions, companies and trade associations write to you on behalf of the millions of Americans whose livelihoods and motivation to create depend on effective intellectual property protection. We are responding to a letter sent to you on April 2, 2009 urging that future appointments to intellectual property positions in your administration "reflect the diversity of stakeholders affected by IP policy."

We agree completely with the authors of the April 2 letter that presidential appointees should "promote innovation and advance the cause of progress in the sciences and useful arts." That is absolutely the right approach for any public official tasked with promoting intellectual property protection, and we feel that your appointees to date have reflected that philosophy.

Enforcement of copyrights and patents is an essential component of promoting the progress of sciences and the useful arts, as articulated so clearly by our Founding Fathers in the U.S. Constitution, when they enumerated it expressly among the powers granted to Congress. Indeed, the "Progress Clause" is the only place in which the word "*right*" occurs in the unamended Constitution. Similarly, enforcement of trademarks protects consumers while providing incentives to create better products.

The authors of the April 2 letter would have you believe that you must choose between safeguarding IP protection on the one hand and promoting innovation on the other. This supposed conflict is itself an invention, and we must avoid the false dichotomy which suggests that there is a conflict between the rights of authors and inventors and the need for innovation or creativity. Intellectual property drives innovation and creativity, from the production of new creative works to the development of consumer electronics and medicine.

All of these products of creative minds in the United States are valued the world over and make an outsized contribution to our balance of trade. Research by Public Policy Professor Richard Florida concluded that the creative industries, including copyright and patent industries, employ 38 million U.S. workers and that those workers' annual wages and salaries total more than those of the manufacturing and service sectors combined.

Simply put, intellectual property is the engine of the U.S. economy.

Copyright drives industries as diverse as music and movies, visual arts, video game and computer software, and publishing. Patents drive industries as diverse as information technology and pharmaceuticals. The results of intellectual property protection fill our libraries, abound in cyberspace, and drive sales of consumer electronics.

Your administration, like the transition team that preceded it, reflects a diversity of experience and viewpoints on the full spectrum of issues, including IP policy. The hallmarks of your administration's appointees have been competence, substantive expertise, and a commitment to your administration's agenda. We have every confidence these hallmarks will be demonstrated in your future IP policy appointments.

We are grateful for the demonstrated knowledge you have shown in past statements of the importance of copyright, patents and trademarks to our economy, and appreciate the fact that such knowledge will be a key qualification for any future appointee to an IP policy position in your administration.

We look forward to working with you to promote creativity and innovation for the benefit of all Americans.

Sincerely,