

April 20, 2009

The Honorable Barack Obama
Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

The undersigned unions, artists' alliances, companies, trade associations and 501(c)(3) educational and research organizations write to you on behalf of the millions of Americans whose livelihoods and ability 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 and protecting the freedom to create and be compensated for it are essential components of promoting the progress of sciences and 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 that 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 enables businesses as diverse as music and movies, visual arts, video game and computer software, and publishing to exist and thrive. Patents drive industries as diverse as information technology and pharmaceuticals. The results of intellectual property protection fill our libraries, our schools, 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 of the need to promote arts and culture in our society. We 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,

Advertising Photographers of America
American Federation of Musicians
American Federation of Television & Radio Artists
American Society of Composers, Authors and Publishers
American Society of Media Photographers
American Society of Picture Professionals
Arts+Labs
Association of American Publishers
Association of American University Presses
Broadcast Music, Inc.
Business Software Alliance
Center for the Study of Digital Property at The Progress & Freedom Foundation
Church Music Publishers Association-Action Fund, Inc.
Copyright Alliance
Directors Guild of America
Entertainment Software Association
Graphic Artists Guild
Independent Film & Television Alliance
Information Technology & Innovation Foundation
International Alliance of Theatrical Stage Employees

International Association of Scientific, Technical & Medical Publishers
Magazine Publishers of America
Motion Picture Association of America
NBC Universal
National Music Publishers' Association
News Corporation
Picture Archive Council of America
Professional Photographers of America
Property Rights Alliance
Recording Industry Association of America
Reed Elsevier
Screen Actors Guild
SESAC
Software & Information Industry Association
Songwriters Guild of America
Sony Pictures Entertainment
Time Warner, Inc.
U.S. Chamber of Commerce
Viacom
The Walt Disney Company
Writers Guild of America, West

cc: Don Gips
Rahm Emanuel
Susan Crawford