November 18, 2021

The Honorable Minister Piyush Prakash Goyal
Minister of Commerce and Industry
Udyog Bhawan
New Delhi 110 107

The Honorable Katherine Tai
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

RE: US-India Trade Policy Forum

Dear Minister Goyal and Ambassador Tai,

BSA | The Software Alliance[1] congratulates the governments of the United States and India on the occasion of the upcoming Trade Policy Forum (TPF). Holding the first such Forum in four years is a significant and welcome development for both of our countries, citizens, and workers. We provide additional background below on the TPF's importance to our countries' shared strategic interests and to American and Indian software workers. We then identify specific priorities that we ask you to consider in conjunction with the TPF process.

First, the TPF is of great importance for the India-US strategic partnership. India and the United States – the world's two largest democracies and historically two of the most open and innovative digital economies – have long enjoyed a healthy economic and strategic relationship. Today, both countries face an increasingly contested international economic policy arena, particularly in relation to digital standards. We urge both countries to explore ways to promote accountable and democratic governance online, to safeguard civic and economic freedoms, and to find shared approaches to resist the growth of digital authoritarianism and restrictiveness that harm the shared strategic interests of both our countries and our citizens. There is no reason why India and the United States cannot work together to promote our shared values and interests in the digital environment.

Second, collaboration in the TPF is essential to the interests of millions of Indian and American workers who are directly employed in the Indian and US software industries, and for millions more who are supported by those industries. The United States directly employs 3-4 million American workers, while India employs roughly the same number of Indian workers.[2] The Indian and US software industries benefit from significant cross-border integration and two-way investments and trade that benefit workers in both countries. India-US trade now totals $150 billion annually (including over $50 billion in services trade), and India-US foreign direct investment totals roughly $50 billion. These trade and investment volumes focus heavily on computer software, telecommunications, research and development, and information services. Digital trade is a shared area of strength for our two economies. We urge you to collaborate to bring even greater benefits to workers in both of our countries.

Finally, we identify TPF outcomes that we believe would be beneficial to both India and the United States. Broadly speaking, we urge India and the United States to establish a high-level working group that is directed to achieve

concrete and measurable results on specific digital trade and cross-border data policy issues. This working group should discuss areas of common interest, which could include cooperation in relation to worker interests, cross-border data policy, privacy, cybersecurity, and law enforcement access to data, as well as market access issues.

To establish the trust and commitment necessary for a meaningful, results-oriented dialogue framework, we urge both countries establish a schedule of working-level meetings that includes ministries responsible for digital policymaking; a ministerial summit; and a process for formalizing and implementing actionable bilateral agreements in areas of shared interest. As outlined in the attachment, we would also recommend that both countries identify priority issues that could lead to an "early harvest" agreement within 30-60 days, such as a near-term extension of the WTO moratorium on customs duties on electronic transmissions. Finally, we would urge both countries to include a robust private sector engagement process to help inform the high-level digital policy working group.

In an increasingly competitive and dynamic global economic environment, a serious and sustained India-US digital policy dialogue is in both of our countries' interests. Thank you for your continued commitment to helping Indian and American workers and citizens enjoy the benefits of digital trade.

Sincerely yours,

Joseph Whitlock

Joseph Whitlock
Director, Policy

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[1] BSA | The Software Alliance (www.bsa.org) is the leading advocate for the global software industry before governments and in the international marketplace. Its members are among the world's most innovative companies, creating software solutions that spark the economy and improve modern life. With headquarters in Washington, DC, and operations in more than 30 countries, BSA pioneers compliance programs that promote legal software use and advocates for public policies that foster technology innovation and drive growth in the digital economy. BSA's members include: Adobe, Atlassian, Autodesk, Bentley Systems, Box, CNC/Mastercam, DocuSign, IBM, Informatica, MathWorks, Microsoft, Okta, Oracle, PTC, Salesforce, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Splunk, Trend Micro, Trimble Solutions Corporation, Twilio, Unity Technologies, Inc., Workday, Zendesk, and Zoom Video Communications, Inc.

[2] *See* Software.org – The BSA Foundation, *Software – Supporting US Through COVID* (2021), at: https://software.org/wp-content/uploads/2021SoftwareJobs.pdf ("Software Jobs Report"); *New Intel - How Many Software Engineers Are There in 2021?* (Sept. 2020), at: https://goremotely.net/blog/how-many-software-engineers-are-there/