

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