



February 6, 2023

The Honorable Katherine Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the U.S. Patent and Trademark Office
United States Patent and Trademark Office
600 Dulany St.
Alexandria, VA 22314

Dear Director Vidal,

We write to convey our appreciation and strong support for the U.S. Patent and Trademark Office (USPTO) Intellectual Property (IP) Attaché program. In the series of meetings held in December, including with the Digital Creators Coalition (DCC), we were consistently impressed with the incredible work, expertise, diplomacy, and sophistication of all of the IP Attachés and IP Specialists in the program. While December has become a culminating moment for the program in terms of stakeholder engagement, the DCC recognizes and commends the work of the 12 IP Attachés and Specialists offices around the globe throughout the year. We thank you for your continued prioritization of this program as Under Secretary of Commerce for Intellectual Property and Director of the USPTO.

The program, and all of the individuals that are a part of it, has consistently and impeccably delivered on its mission to promote strong IP protection and enforcement globally, including with respect to copyright. The IP Attachés and Specialists have proven exceptional in their ability to raise critical copyright issues with foreign governments, to provide training to officials of those governments, to raise public awareness around the importance of promoting creativity, and to convey the position of the U.S. government regarding the need to protect copyright. Likewise, they provide critical services directly to creators and other stakeholders, including with respect to navigating foreign laws and regulations as well as the workings of foreign courts and governments, and to protecting and enforcing copyright abroad.

As an organization dedicated to supporting the interests of creators globally, and particularly in the digital environment, the DCC is fortunate to benefit from the work of the USPTO's IP Attachés and Specialists. The DCC is composed of associations, companies, and other entities that represent a broad, diverse and inclusive set of representatives from the creative sector, including individual creators, labor organizations, and businesses, both large and small, in the music, movies, television, authors, publishers, photography, media, and sports communities. We

are united in our resolve that strong protection for American creators should be a top priority for PTO international engagement generally, and for IP Attachés and Specialists, in particular.

We also greatly appreciate the tremendous personal commitment of each of the IP Attachés and Specialists. A foreign posting is not simply another day at the office, and requires professional as well as personal courage and dedication, and even sacrifice. The IP Attachés and Specialists have risen to many challenges and faced much uncertainty, including where their countries are embroiled in armed conflict, pandemic response, political turmoil, heat rationing, and many other difficult circumstances. And yet, they forge ahead, as superlative diplomats representing the United States in advancing the critical national priority of promoting creativity and innovation.

In furtherance of this priority, the DCC continues to support the appropriate rank for the IP Attachés in the U.S. Embassies, Missions and Consulates at which they are posted. To be able to engage effectively with their foreign counterparts, we support the fact that many IP Attachés have received elevated rank to Counselor and welcome similar elevations across the program.

The DCC also welcomes the continued consideration of the program's growth. For example, we were pleased with the announcement of a new IP Attaché position in South Africa with responsibility over Sub-Saharan Africa. This critical region has experienced a significant increase in both opportunity for creators and challenges for copyright protection. The negotiation of an IP Protocol under the African Continental Free Trade Area Agreement makes this new position all the more critical. Additionally, we note that a few countries remain outside the regional responsibility of any of the IP Attachés and Specialists, such as Australia, Canada, Japan, and New Zealand, and encourage continued evaluation of options for the inclusion of these countries in the program's coverage.

We also wanted to underscore the critical role that IP Attachés and Specialists play in advancing the work of bilateral copyright engagement. For example, IP Attachés have proven instrumental in several U.S. IP Working Groups, including the U.S.-EU Transatlantic Intellectual Property Rights Working Group (TIPRWG) and the U.S.-India Trade Policy Forum IP Working Group, both of which the DCC strongly supports. We recommend consideration of the creation of additional IP working groups, including with the United Kingdom, which would follow the TIPRWG model. The DCC would welcome the opportunity to host the first US-UK IP Working Group stakeholder day in Washington, DC this fall.

Likewise, for your consideration, we would also suggest possible additional opportunities for stakeholder engagement with the IP Attachés and Specialists year-round. This could include, for instance, a monthly USPTO-hosted virtual meeting with stakeholders spotlighting a specific region. DCC members would also welcome the opportunity to speak at training events organized by IP Attachés, Specialists and other USPTO colleagues in their countries.

Finally, the DCC has been fortunate to work with your excellent team in the Office of Policy and International Affairs (OPIA) as well as with the outstanding Director of the IP Attaché Program, Dominic Keating. We welcome the opportunity to meet with you and this team to discuss our goals and look forward to your continued critical work to support the IP Attaché Program, to promote U.S. creators, and to ensure strong copyright protection internationally.

Sincerely,

Alliance for Recorded Music
Alliance for Women Film Composers
American Association of Independent Music
American Society for Collective Rights Licensing
American Society of Composers, Authors and Publishers
American Society of Media Photographers
Artist Rights Alliance
Association of American Publishers
The Authors Guild
Broadcast Music, Inc.
Copyright Alliance
Copyright Clearance Center
CreativeFuture
Department for Professional Employees, AFL-CIO
Entertainment Software Association
Future of Music Coalition
Getty Images
Independent Film & Television Alliance
International Alliance of Theatrical Stage Employees
International AntiCounterfeiting Coalition
International Intellectual Property Alliance
Motion Picture Association
National Music Council
National Music Publishers' Association
News Corp
News/Media Alliance
Production Music Association
Professional Photographers of America
Recording Academy
Recording Industry Association of America
Screen Actors Guild-American Federation of Television and Radio Artists
The Society of Composers & Lyricists
Songwriters Guild of America
SoundExchange
U.S. Chamber of Commerce