

STATEMENT OF
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BEFORE THE

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON INTELLECTUAL PROPERTY
UNITED STATES SENATE

FOR A HEARING ON

“EXAMINING THE ANNUAL INTELLECTUAL PROPERTY REPORT TO CONGRESS”

PRESENTED ON
FEBRUARY 26, 2019

Chairman Tillis, Ranking Member Coons, and Members of the Committee, thank you for the opportunity to testify before you today.

Article I, Section 8, Clause 8 of the Constitution recognizes the fundamental importance of intellectual property and its protection to the United States. Intellectual property underpins nearly every aspect of our economy – it supports good paying jobs, it supports the arts, sciences, and technology, and it creates a framework that allows new industries and innovations to flourish. We must protect our great competitive advantage, our nation’s innovative economy.

We also recognize that to maintain our future economic competitiveness, we need to think strategically and shift the paradigm to one where we not only place America First, but regard our inventive and creative capacity as something that we must protect, promote, and prioritize.

And as the President has said America first does not mean America alone. When our economy grows, so does the worlds. By ensuring a level playing field for innovators and creators – and promoting free, fair, and reciprocal trade, we can create opportunities for new jobs, and expand the drive for excellence, creativity, and innovation – and in the end help people everywhere live more prosperous and healthier lives.

Over the past two years, my office, and the Trump Administration as a whole, have worked to help ensure that our intellectual property enforcement efforts are focused and coordinated. We continue to ask ourselves three important questions – What are we doing well? What isn’t working? And what should we be doing?

The Administration has made clear that our IP enforcement policy includes all areas of intellectual property and innovation policy, and involves nearly every sector of our economy.

The Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC) was created over 10 years ago, and even during that brief time technology has evolved, digital trade has grown exponentially, and new industries have come to the fore. And as this office enters its second decade, it has never been more clear of the importance that we must continue to place on intellectual property as a driver of innovation and job creation, and the importance of enforcing and protecting the rights of our Nation's creators and inventors.

Since being confirmed to this position, I have led inter-agency delegations to engage with our international counterparts in Asia, the Middle East, and Europe. We are working to ensure that all of our innovators and creators are able to operate in these foreign markets, and they provide them with clear paths to secure and use their intellectual property. Countries and foreign entities should not be allowed to profit off of the theft or misappropriation of American intellectual property, through actions including, trade secret theft, IP infringement, piracy, forced technology transfers or localization requirements.

We have launched the White House IP Roundtable series, where my office brings together industry, interested stakeholders, and government officials to examine pressing IP issues impacting our economy to develop new initiatives, examine legislative priorities, and find real world solutions. During 2018, we conducted roundtables on automotive anti-counterfeiting efforts, trade secrets protection and enforcement, illicit streaming devices, international IP issues impacting the bio-pharmaceutical sector, and examining the problems posed by international express shipments and small packages.

At the trade secrets roundtable we discussed the impact that the Defend Trade Secrets Act (DTSA) has had on the protection of trade secrets, and what needs to be done to protect trade secrets, both at home and abroad. Trade secrets occupy a distinct place in the IP portfolios of our most innovative companies, and the IP Commission has estimated that the cost of trade secret theft to U.S. firms ranges from 1 to 3% of U.S. GDP, as much as \$540 billion.

During my tenure, the IPEC office has released two Annual Intellectual Property Reports to Congress, covering the Trump Administration's work in 2017 and 2018, respectively. In those reports we laid out the Administration's 4-part strategic approach. To promote America's innovative and creative economy the Administration is (1) engaging with our trading partners; (2) making effective use of all of our authorities, including our trade tools; (3) supporting increased law enforcement cooperation; and (4) engaging and partnering with private sector and other stakeholders.

Last year, we solicited public comments on the U.S. government's next 3-year Joint Strategic Plan on IP Enforcement. I look forward to working with members of this committee, as well as interested stakeholders, to make sure that we are developing a strategy that will set the stage for our efforts going into the next decade.

The Trump Administration's ultimate goal is to ensure a level playing field for American innovators and creators, where their innovations and creations are respected and protected, and for systems to be in place that allow American businesses to operate in a free, fair and open marketplace.

As President Trump has said time and time again, America will no longer turn a blind eye to the unfair economic practices that steal American jobs, wealth, and intellectual property. These practices hurt businesses and workers, not just in the United States, but around the globe. Enforcing fair and reciprocal trade, and combatting counterfeiting and piracy will protect jobs and promote innovation.

The road that we take will help define the course of freedom, innovation, and prosperity – for decades to come. There is much that has been done, but there is still a lot of work ahead of us, and that is why we must be committed to advancing pro-growth policies, to protect our continued economic and innovative competitiveness, promote new engines of growth, and prioritize our innovative and creative capacity. Thank you.