



September 6, 2017

The Honorable Robert E. Lighthizer
Ambassador
Office of the U.S. Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Lighthizer:

As the united voice of the U.S. film and television industry, we write to you today to urge you to prioritize the protection and enforcement of copyright in NAFTA modernization. Representing the unions and companies - small and large - involved in the creation, production and distribution of America's film and television content, we depend on strong copyright protections in U.S. trade agreements to ensure American producers and American creators can compete globally on a level playing field.

The U.S. film and television industry supported nearly two million American jobs in 2015. And these are the kind of jobs that make the U.S. economy strong and the envy of other countries — film creators, artists and craftspeople directly employed in film and television have an average salary 44 percent higher than the national average. Moreover, the U.S. film and television industry is one of the most highly competitive in the world – one that consistently generates a positive balance of trade in virtually every country in which it does business. In 2015, it registered \$17.8 billion in exports worldwide, outperforming many other major U.S. industry sectors including mining and telecommunications. As such, our trade policy must reflect the important contributions of this iconic industry to the U.S. economy.

Copyright is the lifeblood of our industry and NAFTA modernization provides a critical opportunity to advance core American interests and to respond to both the opportunities and challenges of today's digital marketplace. This means resisting defaulting to the TPP, which was rejected by our President and Congress in part because the intellectual property provisions were not sufficiently strong. In many ways, the TPP intellectual property text was significantly compromised from the earlier bilateral U.S. trade agreements.

The TPP included for the first time a weakening of property rights with broadened limitations and exceptions and a damaging provision on balance which, by its nature, suggests our prior trade agreements were unbalanced. We firmly disagree with this notion. Further, broadening limitations to U.S. property rights so that foreign companies can use U.S. property without compensation to U.S. producers and creators will do nothing to address our trade deficit. What it will do is put a strong American industry at an economic disadvantage with its trading partners.

Finally, the internet has become integral to every part of our daily lives, including how we do business, and we firmly believe our digital trade policy must promote a healthy and sustainable

online marketplace. While the initial instinct may be to export U.S. law, please understand that Section 512 of the DMCA, as interpreted by our courts, has caused great harm to the American creative community. Since the DMCA was enacted in 1998, many other countries have crafted more nimble and effective approaches for encouraging a legitimate, innovative, and safe online marketplace.

NAFTA modernization is an important moment to define this Administration's trade policy. We look forward to working with you to harness this unique opportunity to bring the NAFTA into the digital age.

Sincerely,

Russell Hollander
National Executive Director
DGA, Directors Guild of America

Matthew D. Loeb
International President
IATSE, International Association of Theatrical and Stage Employees

Jean Prewitt
Chief Executive Officer & President
IFTA, Independent Film and Television Producers Association

Charles H. Rivkin
Chief Executive Officer
MPAA, Motion Picture Association of America

David White
National Executive Director
SAG-AFTRA, Screen Actors Guild-American Federation of Television and Radio Artists

Cc: The Honorable Wilbur Ross, Secretary of Commerce