

Our Beliefs about Intellectual Property:

The undersigned groups and individuals believe that strong intellectual property (“IP”) rights are a pillar of America’s economic strength and global leadership. Policymakers must take affirmative steps to ensure that intellectual property rights in America remain strong both domestically and the gold-standard globally.

- Robust and predictable IP rights promote innovation and creativity by granting enforceable exclusive rights to authors and inventors. Patents, copyrights, trademarks, and trade secrets create the legal framework that enables investment in new and improved creations and innovations. A robust innovation economy simply cannot happen without a reliable IP system.
- IP empowers individuals and firms to develop their creative and inventive capacities to the fullest with the ability to seek a return on their investment.
- From governments to academic and non-profit research institutions, to businesses large and small, IP rights facilitate collaboration and technology transfer to address society’s greatest challenges through licensing and rights management that gives confidence to both inventors and users that their rights will be respected.
- Enforceable IP rights enable the allocation of resources to the development of new creative works and technologies that can prolong human life and enhance the human experience.
- IP rights facilitate the dissemination of new technologies.

We contend and hereby affirm:

- That we support, promote, and protect America's global leadership;
- That IP is vital to America's lead in emerging and critical technologies;
- Strong global IP policy and collaboration with other governments supports an innovative ecosystem in America's allies and respect for individual rights around the world;
- That IP fosters America's creativity and individual expression, and provides global inspiration;
- That bad actors should be held accountable for IP crimes, violations, and theft;
- That we must actively promote a framework of strong intellectual property laws to protect legal rights to inventions, creative works, brands, and trade secrets;
- That intellectual property protections are a benefit to society, serving as a catalyst for innovation, a means to return fair value to investors, and a mechanism to facilitate the commercialization of new creative and inventive ideas;
- That we are committed to working with like-minded partners to share information and best practices, and otherwise support and promote legal and regulatory frameworks, administrative capacity, and enforcement mechanisms, to protect and promote intellectual property at all levels of governance throughout the global economy.

We believe the attached principles provide a guide to policymakers as they seek to address future challenges, and we are confident that if they follow them then the 21st century will be, like the 20th century, a truly American century.

A Principled Approach to a New Narrative on IP

Intellectual property rights are fundamental to America's global leadership in innovation. The United States Government must adopt policies that support, protect, and promote strong IP rights—which are indispensable in providing a reliable basis for investment in risky, capital-intensive research and development, creative development, or brand development activities. In an era of increasing global competition and heightened international tensions, strong IP rights are critical to maintaining the United States' economic preeminence, national security, and enhancing innovative and creative opportunities for Americans.

Small and medium-sized businesses, independent inventors, and individual creators are the backbone of America's economic growth. They are at the forefront of bringing new and disruptive products, ideas, and brands to American consumers. Even more than their larger partners in the creative and innovative ecosystems, they need legal certainty and efficient, streamlined administration and enforcement of rights, in order to invest and succeed.

The success of American ingenuity is enabled by the strength of our market-based economy. When policies defy rather than reinforce market principles, they threaten United States leadership. This has too often been the case with respect to IP policy. As a result, the United States risks missing the opportunity to fully reach its potential and shape another American century. Ceding our role as exemplars of the world's IP ecosystem threatens to jeopardize American innovation. Worse still, competitors will fill the void and catapult ahead of the United States in the race to build a world-class innovation economy.

Together, the undersigned industry thought leaders, former public officials, and leading academics developed these principles to clarify the narrative of IP rights, policy, and leadership in the United States. These principles represent comprehensive guidelines to reset public policy debates and accurately represent the role of IP rights in American leadership. These principles should be viewed globally and cohesively in order to result in a set of policies, all of which are necessary to foster continued American leadership and economic opportunity.

The Principles:

1. Protect America's Global Innovation Leadership.

America is engaged in global competition with foreign actors for technological dominance. This global competition is a national security imperative. The nation that invents technologies of the future will set the global agenda and be the global leader. That nation can and must be America—which stands for freedom, democracy, and human rights. To protect America's economic security, physical security, and cultural values, we must embrace an accurate, thorough, and global representation of the nexus between strong IP and America's global leadership.

a. An Accurate Narrative.

A frank representation of the role of strong IP protection must acknowledge its relationship to global leadership and national security. This emphasis builds on the long and fitting association of IP rights with academic and non-profit research excellence and the economic benefits of jobs, innovation, and growth.

b. A Thorough Analysis.

IP law and policy must be considered through the lens of potential impacts on national security. The 21st-century reality

is that the nation that invents first is the nation that will set global standards. United States policymakers, working with collaborative global partners, must promote a new paradigm where national security through technological leadership is a basis for strong IP protections.

c. A Global American Vision.

Policy predicated on fundamental human rights, democracy, and the rule of law comprise a uniquely American vision of the world. This vision is based on America's belief in fundamental economic and innovation principles that create a rising tide that benefits all mankind. Such a vision stands in stark contrast to the tightly controlled designs of some of America's leading economic competitors. The United States must approach the debate around IP protections as an opportunity to project our values to the world and to maintain global leadership in setting the 21st-century's innovation standards and discoveries.

2. Lead the World in Critical and Emerging Technologies.

The 20th century was the American century. From life-saving medicines, personal computers, semiconductors, ultra-fast internet connectivity, innovative transportation and energy efficiency, and other technologies that make daily life easier, longer and more productive, America was at the forefront of global innovation. For the 21st century to repeat the American century, the United States must advance policies that foster, develop, and invest in American innovation while promoting innovation friendly environments around the world. Intellectual property is a key driver of this innovation.

a. Foster policies that promote critical innovations.

The United States must have the appropriate legal frameworks to promote innovations in critical existing and emerging technology sectors. This is not merely an economic imperative but necessary for American global leadership. The United States, by establishing, strengthening, and protecting appropriate legal frameworks, will empower government, academic and non-profit research institutions, and private sector actors to lean forward and deliver innovation in the next “big things.”

b. Provide Global Leadership for Artificial Intelligence Technology and Innovations.

American researchers are at the forefront of cutting-edge innovations in the field of artificial intelligence. The United States must remain and continue to be the global leader on artificial intelligence applications, innovation, and creativity. To do so, policymakers must ensure adequate protection of intellectual property. Policymakers should engage all relevant stakeholders, from academia, the private sector, and thought leaders, to maintain a strong framework that ensures America’s continued global leadership in artificial intelligence, innovation and creativity.

c. Develop the next generation of diagnostics, therapeutics, and treatments.

In order to ensure Americans and people across the world have access to the next generation of life-saving and life-enhancing medical miracles, the United States must have a legal and cultural environment that ensures inventors and companies can protect their IP and receive market value for their life-saving innovations. This involves stopping misguided domestic and international policies which weaken IP rights

and crafting policies that restore certainty to the protection of life science innovations.

d. Inspire a global innovation ecosystem.

The United States should reaffirm its support for respect for IP around the world, including in multilateral organizations, as well as ramp up its pro-innovation collaboration with allies and trading partners.

e. Invest in the success of the USPTO.

The United States Patent and Trademark Office (“USPTO”) plays a critical role in ensuring America’s innovators and creators receive protection for their IP rights. Congress must invest in the success of USPTO by ensuring it receives the increased resources it needs to issue patents and secure inventors in their innovations. The USPTO can and should invest in efforts that lead to a streamlined, efficient, and effective examination process.

3. Foster America’s Creativity and Provide Global Inspiration.

America’s creators are at the frontline of creativity and help spread the concepts of freedom of speech, democracy, and human rights around the world. Entertainment, education, science, and scholarship provide hope and inspiration to millions around the world. Independently, strong copyright laws promote personhood, creative control, and promote expression of ideas. We must foster an environment that encourages, demonstrates, and supports American creativity.

a. Advocate for Creativity Around the Globe.

America’s creative industries tell the story of the human condition, those who are often unheard and unseen. Books, music, movies, and television spark imagination. They are both the engine of and result of the dynamic culture in which we create and co-exist. For many people around the globe, our creators bring an important source of inspiration and hope, as well as an understanding of human rights. The United States must break down cultural and legal barriers to ensure that bad policies which undermine legal protections and threaten creativity are defeated.

b. Demonstrate the value of America’s creative industries.

What is good for creative communities is good for America. Public and private sector partners should develop a education campaign to show the value of creative works. Outreach, education, and the enactment of policies that promote creativity are necessary to ensure our creative community brings joy, information, education, science, scholarship, and entertainment to Americans and the world.

c. Support a copyright system that makes it easier to secure creative works.

Our nation must have strong copyright laws. As one court observed, “[i]t is only through the protection of copyright that books and other creative works may be generated and distributed at all.” To achieve strong copyright laws, the United States must work collectively to preserve copyright, including the Copyright Office. The Copyright Office must have reliable long-term funding to engage in technological transformation and upgrades and continue to enhance its recordation system, which can only be achieved if Congress invests in the Copyright Office’s long-term success and stability.

4. Hold Bad Actors Accountable for IP Crime.

In the 21st century, America’s innovative and creative companies are faced with an ever-increasing threat of IP crime from bad actors. This costs businesses hundreds of millions of dollars a year, preventing these companies from investing in thousands of good-paying jobs and new products. The United States must create, promote, and enact 21st-century policies to leverage the power of criminal deterrence and hold bad actors accountable.

a. Drive Criminal Enforcement with Public-Private Collaborations.

Private sector actors play a vital role in educating federal law enforcement authorities about their IP and the threats to it. Federal partners are critical to successfully combating IP crime, and they are often limited by a lack of resources, technology, and personnel. Any new policies must fundamentally “re-vision” public-private collaborative partnerships for the 21st century to ensure government actors have the necessary resources, collaboration, and education to combat IP crime.

b. Leverage State and Local Resources.

While state and local partners may lack the authority to prosecute certain crimes, they possess some tools that will make a difference in the fight against IP theft. Congress and private sector actors must educate local authorities about how to use the tools at their disposal so they can be fully collaborative partners in the fight against IP crime.

c. Enact Forward Leaning Policies.

Technology has changed, and so has the face of IP crime. Policymakers must enact common sense, consensus-based policies that will reduce IP crime and crack down on digital piracy. These policies, which may include enhanced criminal and civil penalties, criminal disruption strategies, trade enforcement, and international legal protections, must consider the realities of 21st-century business models and adjust accordingly.

5. Unleash the Full Potential of American Entrepreneurial Ingenuity.

America's innovators and entrepreneurs are the best in the world. Small and medium-sized businesses, independent inventors, and individual creators are the backbone of America's economic growth. They are at the forefront of bringing new and disruptive products, ideas, and brands to American consumers. However, for these individuals and companies to succeed, the United States must develop a whole-of-government approach by creating incentives, removing obstacles, and implementing policies that fully engage, support, and empower them to unleash their potential.

a. Engage Entrepreneurs.

Entrepreneurs often lack access to and awareness of the various federal, state, and local resources that can help them secure their intellectual property. The United States government must inventory, leverage, and, if needed, develop robust programs that support public and private sector partnerships and resources to educate and engage entrepreneurs where they live and work. This begins by ensuring inclusive and adequate representation of entrepreneurs in all IP policy discussions and dialogues. Policy solutions must consider the unique challenges faced by independent entrepreneurs, including the costs and difficulty of enforcing and preserving their IP rights.

b. Support Startups.

Small businesses and startups are the ultimate disruptors, often bringing the next generation of new products, brands, and ideas to market. These actors face unique challenges, including the need for private sector investors. The difficulty of navigating complex federal and state bureaucracies and lacking the knowledge base to understand how and why IP rights are critical to commercial success. A whole-of-government approach supporting these enterprises must be developed and include appropriate financial incentives and educational opportunities to ensure these enterprises can be successful.

c. Empower Lost Einsteins.

Americans from every walk of life and from every corner of the nation must become engaged in the intellectual property system. These lost Einsteins could add tens of millions of dollars annually to America's GDP and bring the next big thing to market if they were empowered to reach their full potential. The United States must develop policies at all levels to better educate these individuals in STEAM as well as the IP system in order to encourage their participation to create a lost Einstein innovator pipeline.

Signed (September 13, 2023)

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