



September 6, 2017



Ambassador Robert E. Lighthizer  
Office of the United States Trade Representative  
600 17<sup>th</sup> Street NW  
Washington, DC 20508



VIA ELECTRONIC TRANSMISSION



Dear Ambassador Lighthizer,



The Department for Professional Employees, AFL-CIO (DPE) is a coalition of national unions representing more than four million professional and technical workers. Included in DPE are 12 national unions that represent people who work in the arts, entertainment, and media industries. Our unions' members are actors, craftspeople, choreographers, dancers, directors, musicians, stunt performers, instrumentalists, writers, singers, stage managers, and many other creative professionals.



We write to you with the understanding that the modernization of the North American Free Trade Agreement (NAFTA) may include discussions about NAFTA's copyright and intellectual property provisions. As our unions' members depend on the sale of legitimate content to earn fair wages and benefits, we urge you to prioritize the protection and enforcement of copyright provisions in any such discussions.



In today's internet era, creative content can be transmitted across borders at speeds and in quantities few could imagine when NAFTA was originally negotiated. Strong copyright protections appropriate for today's digital age are needed to help ensure fair compensation for the professionals who imagine, develop, design, and give life to creative works that are responsible for over \$1 trillion in annual economic activity and regularly generate a positive trade balance for the United States.



Any weakening of copyright protections for creative professionals in NAFTA modernization could upend the economic security of middle-class Americans who work in copyright-reliant industries. Stolen or otherwise illegitimate content undermines the value of creative professionals' work and threatens their hard-won pay and benefits.



We therefore ask that you prioritize the protection and enforcement of copyright provisions in the modernization of NAFTA for our unions' members, part of the 5.5 million people working in core copyright industries.



Sincerely,

Kate Shindle  
President, Actors' Equity Association

Ray Hair  
International President, American Federation of Musicians

James Odom  
President, American Guild of Musical Artists

Judy Little  
Acting President, American Guild of Variety Artists

Paul E. Almeida  
President, Department for Professional Employees, AFL-CIO

Thomas Schlamme  
President, Directors Guild of America

Carlo Fiorletta  
President, Guild of Italian American Artists

Matthew D. Loeb  
International President, International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts

Lonnie R. Stephenson  
International President, International Brotherhood of Electrical Workers

Richard Lanigan  
President, Office and Professional Employees International Union

Gabrielle Carteris  
President, SAG-AFTRA

Pam MacKinnon  
President, Stage Directors and Choreographers Society

Michael Winship  
President, Writers Guild of America, East



September 6, 2017

The Honorable Robert E. Lighthizer  
Ambassador  
Office of the U.S. Trade Representative  
600 17<sup>th</sup> 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