

May 10, 2013

David Weiner
Deputy Assistant U.S. Trade Representative for Europe
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Submitted via regulations.gov

Re: Request for Comments Concerning Proposed Transatlantic Trade and Investment Agreement,
Docket No. USTR-2013-0019

Dear Mr. Weiner:

The ACM U.S. Public Policy Council is pleased to provide the following comments on intellectual property in response to the "Request for Comments Concerning Proposed Transatlantic Trade and Investment Agreement," published in the Federal Register on April 1, 2013, at 78 Fed. Reg. 19566.

The Association for Computing Machinery (ACM) is the world's largest non-partisan, nonprofit association of computer and technology professionals. ACM's more than 100,000 members come from industry, academia, and government institutions. Expert members within the ACM U.S. Public Policy Council developed these comments.

The ACM U.S. Public Policy Council encourages the Office of the United States Trade Representative to consider the following three principles when negotiating provisions relevant to intellectual property protection and enforcement within this important proposed trade agreement between the United States and the European Union.

Balance Intellectual Property Protection with Relevant Private and Public Interests

Adequate protection of intellectual property requires carefully balancing various interests. USACM is committed to ensuring that intellectual property rights are protected. How those rights are enforced can have unintended negative consequences, including blocking legitimate uses of intellectual property. Policymakers must ensure that fair uses of intellectual property are preserved. Fair use rights ensure that researchers, students, people with disabilities, and others can effectively exchange knowledge and information for legitimate purposes.

Promote Innovation and Competitiveness

Whether it is within computing fields and industry or across society broadly, computing is driving innovation. New developments in computing have created new jobs, products, and services, and have spurred the increased speed, scope, and scale of innovation. Advances in computing have facilitated the collection, organization, and analysis of information in many different fields of research and development. Public policy should foster and encourage a wide variety of technological advancements, approaches, and systems to emerge within a competitive marketplace. USACM encourages policymakers to adopt policies that address specific user behaviors, rather than prohibiting technologies because of their potential for undesirable use.

Preserve Data Privacy of Individuals

As society embraces new technologies and increases interaction with the data and systems these technologies entail, the issues of security and privacy in computing become even more paramount. Striking a balance between individual privacy rights and valid government and commercial needs is a complex task for technologists and policymakers, but one of vital importance. Computing options are available today for meeting many private sector and government needs while fully embracing the data privacy principles of minimization, consent, openness, access, accuracy, security, and accountability.

Conclusion

The ACM U.S. Public Policy Council urges the USTR to negotiate intellectual property provisions that uphold relevant domestic laws and international law while concurrently fostering innovation of software and digital computing, preserving the rights of users of these technologies, and minimizing barriers that could impede the economic potential of digital trade, e-commerce, and internet-based services.

The ACM U.S. Public Policy Council commends the USTR for its ongoing commitment to expanding trade and investment opportunities to strengthen the U.S. economy and to benefit American businesses and consumers. While pursuing these laudable objectives, we would appreciate the USTR's consideration of the principles suggested above. The staff and members of the ACM U.S. Public Policy Council are available to discuss our suggestions and any questions you may have.

Respectfully submitted,



Eugene H. Spafford, Ph.D.
Chair
ACM U.S. Public Policy Council



Paul Hyland, M.A.
Chair, Intellectual Property Committee
ACM U.S. Public Policy Council