

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

April 4, 2012

The Honorable Orrin Hatch
United States Senate
Washington, D.C. 20510

Dear Senator Hatch:

Thank you for your recent letter urging that we seek strong protection for trade secrets in the Trans-Pacific Partnership (TPP) negotiations. I agree that protection of trade secrets is a priority issue in a 21st Century trade agreement like the TPP, and I am committed to seeking new provisions to help address this challenge.

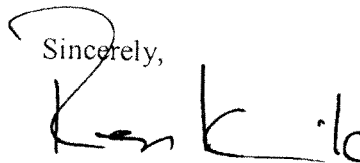
The United States supports making the TPP the first-ever U.S. trade agreement to demand criminal remedies for theft of trade secrets. We also favor strengthened investment disciplines to constrain parties from imposing requirements to transfer a particular technology, production process, or other proprietary knowledge. We are championing new disciplines to curb behavior by powerful state-owned enterprises that can undermine the technological advantages of U.S. firms. In the area of technical barriers to trade, for products with cryptographic capabilities, we are building on existing WTO conformity assessment disciplines on information requirements and confidentiality.

These U.S. TPP initiatives reflect an innovative, multidisciplinary approach to addressing diverse government policies that can undermine trade secret protection and other embodiments of U.S. technological advantage. These initiatives are informed by public comments on prospective TPP provisions that we received in January and December of 2009.

We remain open to further improvements within the constraints of the already ongoing negotiations, and of U.S. law. Indeed, my staff has already spent many hours working with stakeholders to advance the initiatives noted above, and to suggest alternatives to problematic approaches. My staff at USTR would be happy to provide your staff with further information on those discussions.

I look forward to continuing to work closely with you in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Kirk". The signature is written in a cursive, slightly stylized font. The first name "Ron" is written with a large, looping "R" that extends upwards and to the left. The last name "Kirk" is written with a large, looping "K" that extends upwards and to the right. The signature is positioned below the word "Sincerely,".

Ambassador Ron Kirk