

April 25, 2018

Dear Chairman Himes,

As the united voice of the U.S. film and television industry, we ask that the New Democrat Coalition urge Ambassador Lighthizer to prioritize the protection and enforcement of copyright in NAFTA modernization. Representing the individuals and 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 internationally on a level playing field.

In today’s internet era, creative content can be transmitted across borders instantaneously. Few could imagine the current global digital marketplace when NAFTA was originally negotiated. Strong copyright protections appropriate for today’s digital age are needed to help ensure fair compensation and a return on investment in production for the Americans who invest, 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.

The New Democrat Coalition agenda states that it seeks to create a “new middle-class prosperity agenda that keeps America’s engine revving, creates high-paying jobs, and improves the skills of all Americans who seek them.” The U.S. film and television industry is – and has been for decades – contributing to that agenda by directly employing highly-skilled filmmakers, artists, and craftspeople with an average salary 44 percent higher than the national average.

If we fail to ensure that strong copyright protections and online enforcement mechanisms including secondary liability are included in a modernized NAFTA, we risk losing these competitive jobs and upending the economic security of middle-class Americans who work in copyright-reliant industries. The internet has become integral to every part of our daily lives, including how we do business, and our digital trade policy must promote a healthy and sustainable online marketplace. However, simply exporting U.S. law does not accomplish that. 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. In particular, please understand that Section 512 of the DMCA, as interpreted by our courts, has caused great harm to the American creative community.

Further, the U.S. government must not allow any broadened limitations to U.S. property rights so that foreign companies can use U.S. copyrighted property without compensation to U.S. producers and creators. This 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.

NAFTA modernization is a crucial opportunity to craft an American-led 21<sup>st</sup> century trade agreement that can be used as a benchmark around the globe. We look forward to working with the New Democrat Coalition to harness this unique opportunity to bring NAFTA into the digital age and protect the livelihoods of the 5.5 million people working in the core copyright industries.

Sincerely,

Russell Hollander  
National Executive Director  
DGA, Directors Guild of America

Jean Prewitt  
Chief Executive Officer & President  
IFTA, Independent Film & Television Alliance

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

Ruth Vitale  
Chief Executive Officer  
CreativeFuture

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

CC: New Democrat Coalition