

Congress of the United States
Washington, DC 20515

April 10, 2015

The Honorable Michael Froman
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Froman:

We write to express our support for your work over the past year to engage the Government of India on the many barriers that face U.S. job creators, particularly the denial by the Government of India of adequate and effective protection of intellectual property rights (IPR). We have been encouraged by the level of involvement from the government of Prime Minister Narendra Modi, but we remain concerned by the lack of concrete improvement in IPR in India. To facilitate continued bilateral engagement, consultations with Congress, and concrete reforms, we ask that, in the 2015 Special 301 report, India remain on the Priority Watch List and USTR conduct another, more detailed, out of cycle review to examine in depth any changes to India's IP regime.

We stand ready to support the goal set last year by President Obama and Prime Minister Modi to quintuple bilateral trade, which will bolster the strategic and global partnership between the United States and India. An essential component of reaching that goal is concrete action that addresses the concerns of U.S. innovators. The International Trade Commission (ITC) recently found that bilateral trade would expand by \$40 billion if India were to level the playing field and match U.S. standards on intellectual property (IP) protection, tariffs, and investment.

In contrast to the predecessor government, Prime Minister Modi and his government have shown a welcome openness to discuss how protection of intellectual property rights benefits both countries. For India, strong IPR would help it attract foreign direct investment, significantly grow its entertainment industry, and create middle class jobs. In September, the Prime Minister and President Obama "agree[d] on the need to foster innovation in a manner that promotes economic growth and job creation." The bilateral Trade Policy Forum, held in November for the first time in four years, included in-depth bilateral discussions in the Intellectual Property Working Group that led to both governments agreeing to "the importance of providing a transparent and predictable policy environment for fostering innovation," and that India can use strong IPR to "stimulate innovation across sectors."

Despite the improvements in process, there continue to be, as described in the 2014 Special 301 Report, which listed India as a Priority Watch List country, "serious questions regarding the future condition of the innovation climate in India." India continues to implement an industrial policy at the expense of American producers of information technology, renewable energy, biopharmaceuticals, and other products. The new government has yet to take specific actions to

protect intellectual property rights, a top statutory criterion in the Special 301 process. India has yet to amend the Copyright Act to effectively combat physical and online piracy. U.S. innovators in the agro-chemicals, green technology, and pharmaceutical sectors continue to face challenges in securing and enforcing patents, particularly with relation to India's commitments under the Trade Related Aspects of Intellectual Property (TRIPS) Agreement. We are also concerned by the expected implementation this year of a requirement to test and certify many information and communications technology products, which will delay access by India's technology sector to the most advanced equipment and would likely violate India's international trade obligations.

We ask for your continued commitment to work with us to improve India's protection of intellectual property rights, including through the Special 301 process, and grow bilateral trade.

Sincerely,



Erik Paulsen
Member of Congress



John B. Larson
Member of Congress