



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

June 5, 2003

The Honorable Rick Boucher
House of Representatives
Washington, D.C. 20515

Dear Representative Boucher:

Thank you for your letter expressing your concerns regarding the Singapore and Chile Free Trade Agreements (FTAs). One of the important negotiating objectives of these agreements was to encourage our trading partners to provide for strong protection and enforcement of intellectual property rights, which is especially important in the modern digital trade environment.

Although many of our trading partners already belong to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the World Intellectual Property Organization (WIPO) Copyright Treaty, and the WIPO Performances and Phonograms Treaty, FTAs build on that foundation. The Singapore and Chile FTAs will ensure that authors and owners of copyrighted works made available in digital form receive commensurate protection, thereby strengthening trade relations with these countries. They also provide a framework of certainty around which companies can begin to build legitimate businesses for the enjoyment of creative works.

I also would like to take the opportunity to respond to specific issues raised in your letter. You expressed concern that the incorporation of provisions based on the Digital Millennium Copyright Act (DMCA) in the Singapore and Chile FTAs may have an adverse impact on technological innovation. I believe, however, that strong protection and enforcement of intellectual property rights in FTAs facilitate the expansion of trade and investment in digital technologies and products, thereby advancing the interests of all parties to the FTAs.

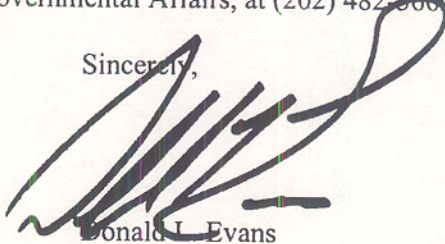
You also expressed concern about the balance of interests reflected in both the DMCA and the Singapore and Chile FTAs. As you are aware, in enacting the DMCA, Congress worked hard to achieve a balance among the various groups with interests in the legislation, including copyright owners, users, and Internet service providers, that also met the international obligations set forth in the WIPO treaties. That balance is reflected in the Singapore and Chile FTAs. If the Congress amends the DMCA in the future, the FTAs should then be reviewed for consistency with the amended DMCA.

The Honorable Rick Boucher
Page 2

I believe that the U.S. free trade agreements with Singapore and Chile are milestones in progress toward strong protection and enforcement of intellectual property rights protection for the digital age. I hope that my comments have helped you to decide in favor of supporting the Singapore and Chile FTAs.

If you have any further questions, please feel free to contact me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald J. Evans". The signature is stylized with a large loop at the end.

Donald J. Evans