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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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June 25, 2014

The Honorable Michael Froman
United States Trade Representative
Office of United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Froman:

I write to express my continued concern with India's policies on intellectual property rights and to request that you take action if India's new government does not take significant steps to improve its protection of intellectual property rights.

As I have expressed many times I am very concerned with India's policies on intellectual property rights, which not only harm U.S. innovators and creators but are extremely shortsighted, inhibiting India's own economic development. For example, India continues to ignore its international obligations and misuse its patent law to build up its domestic industry at the expense of U.S. innovators. India also fails to take adequate steps to address widespread piracy and counterfeiting, and imposes significant discriminatory market access barriers blocking sales of U.S.-made innovative products, and coercing U.S. companies to transfer their technology and intellectual property to local industry.

In the 2014 Special 301 Report released in April, you stated, "In the coming months, the United States will redouble its efforts to seek opportunities for meaningful, sustained, and effective engagement on IP-related matters with the new government, including at senior levels and through technical exchanges ..." You further stated that in the fall of 2014 you would initiate an Out of Cycle Review (OCR) of India, "... commencing an assessment of the progress in that engagement."

I am hopeful that your efforts to engage India's new government will bear fruit and that the new government will address the concerns regarding India's policies that undermine intellectual property rights protection. However, I believe there must be consequences if the new government fails to act. Accordingly, I request that immediately following the conclusion of the OCR, you inform me in writing what actions you and the government of India have taken to ensure these serious problems are addressed. At a minimum, I would expect such actions to include the development of a written, meaningful and effective action plan with definite timetables for implementation.

The U.S. trade and investment relationship with India is critical and other countries are watching. I am hopeful that India's new government will recognize that protection of intellectual property rights is an important element of a strong trade and investment policy. But if not, we cannot afford to ignore India's current practices, which harm U.S. innovative and creative industries and threaten the stability of the international trading system.

Sincerely,

A handwritten signature in blue ink, appearing to read "Orrin Hatch". The signature is written in a cursive style with a large initial "O".

Orrin Hatch
Ranking Member