

**Statement of the ACM U.S. Public Policy Council  
to the  
House Ways and Means Committee**

**Hearing on President Obama's Trade Policy Agenda with U.S. Trade Representative Michael Froman  
on July 18, 2013**

The ACM U.S. Public Policy Council appreciates the opportunity to provide written comments as part of the record for the hearing on President Obama's Trade Policy Agenda with U.S. Trade Representative Michael Froman.

The Association for Computing Machinery (ACM) is the world's largest non-partisan, nonprofit association of computer and technology professionals. ACM's more than 100,000 members come from industry, academia, and government institutions. Expert members within the ACM U.S. Public Policy Council developed these comments.

The ACM U.S. Public Policy Council encourages the U.S. negotiators of proposed trade agreements, such as the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership, to consider the following three principles when negotiating provisions relevant to intellectual property protection and enforcement.

**Balance Intellectual Property Protection with Relevant Private and Public Interests**

Adequate protection of intellectual property requires carefully balancing various interests. The ACM U.S. Public Policy Council is committed to ensuring that intellectual property rights are protected. How those rights are enforced can have unintended negative consequences, including blocking legitimate uses of intellectual property. Policymakers must ensure that fair uses of intellectual property are preserved. Fair use rights ensure that researchers, students, people with disabilities, and others can effectively exchange knowledge and information for legitimate purposes.

**Promote Innovation and Competitiveness**

Whether it is within computing fields and industry or across society broadly, computing technology is driving innovation. New developments in computing have created new jobs, products, and services, and have spurred the increased speed, scope, and scale of innovation. Advances in computing have facilitated the collection, organization, and analysis of information in many different fields of research and development. Public policy should foster and encourage a wide variety of technological advancements, approaches, and systems to emerge within a competitive marketplace. The ACM U.S. Public Policy Council encourages policymakers to adopt policies that narrowly address specific user behaviors, rather than broadly prohibiting technologies because of their potential for undesirable use.

### **Preserve Data Privacy of Individuals**

As society embraces new technologies and increases interaction with the data and systems these technologies entail, the issues of security and privacy in computing become increasingly paramount. Striking a balance between individual privacy rights and valid government and commercial needs is a complex challenge facing technologists and policymakers, but one of vital importance. Computing techniques are available today that can meet many private sector and government needs, while fully embracing the data privacy principles of minimization, consent, openness, access, accuracy, security, and accountability.

### **Conclusion**

The ACM U.S. Public Policy Council urges the U.S. government to negotiate intellectual property provisions in trade agreements that uphold relevant domestic laws and international law while concurrently fostering innovation of software and digital computing, preserving the rights of users of these technologies, and minimizing barriers that could impede the economic potential of digital trade, e-commerce, and internet-based services. We urge the U.S. government to foster opportunities for stakeholder engagement and to make available the draft text of proposed trade agreements for public input.