

March 15, 2016

The Honorable Mitch McConnell
Majority Leader
317 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Harry Reid
Minority Leader
522 Hart Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator McConnell and Senator Reid:

The undersigned companies and organizations write to express our strong support for the Defend Trade Secrets Act of 2016 (S. 1890), important legislation that would promote economic growth by enabling America's most innovative companies to effectively protect their trade secrets from theft. Strong trade secret protection can help retain and increase American jobs. We urge you to support the bill, which has bipartisan and bicameral support and is backed by a cross-industry coalition of organizations and leading American companies.

Trade secrets are an essential form of intellectual property, comprising a wide variety of proprietary information including formulas and codes, unique manufacturing processes, customer lists, industrial techniques, and other confidential know-how that gives companies a competitive edge. But unfortunately, due to technological advances in global connectivity and data storage, American companies are increasingly the targets of sophisticated efforts to steal proprietary information. Trade secret theft can originate from within a company or from a foreign entity, harming our global competitiveness by threatening the innovation and creativity at the heart of the American economy.

Federal law protects trade secrets through the Economic Espionage Act of 1996 ("EEA"), which provides criminal sanctions for trade secret misappropriation. But the EEA offers no civil remedy to victims of trade secret theft, leaving trade secret owners unable to protect their property using the same tools available to owners of patents, trademarks, and copyrights. While civil remedies under state law can be an effective alternative -- in cases of small-scale, local theft, they are ill-suited to address the interstate and international nature of trade secret theft today. Modern trade secret theft is fast-moving, high-tech, and multi-jurisdictional, and as threats to American innovations become more sophisticated, our laws must keep pace.

The Defend Trade Secrets Act, sponsored by Senators Hatch (R-UT) and Coons (D-DE), closes this gap in federal intellectual property law by creating a federal civil remedy for trade secret misappropriation. The Act will create much-needed uniformity in trade secrets law nationwide, simplifying and streamlining the process by which companies can protect their most valuable assets. The Act will also enhance our ability to protect American innovations beyond our borders by serving as the gold standard in trade secrets protection internationally.

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On January 28, 2016, S. 1890 was reported favorably by the U.S. Senate Judiciary Committee after unanimous approval of two amendments. The approach to the bill has been consensus-oriented, strengthening the Act.

This approach has also led to broad and enthusiastic support from a wide range of American organizations and companies. The bill is supported by numerous companies and associations representing the technology, medical device, agriculture, biotech, pharmaceutical, automobile, clean energy, consumer products and manufacturing sectors. The need for an effective federal trade secrets law is recognized by American companies large and small, and we are not aware of any industry opposition.

Now that a majority of the Senate has cosponsored a bill that was reported by the Judiciary Committee unanimously, we call upon you to bring this bill to the floor promptly, to give American businesses the tools they need to combat the theft of their valuable intellectual property. Thank you for your consideration of this matter.

Sincerely,

ACTI
Adobe
AdvaMed
Alliance of Automobile Manufacturers
AIPLA (American Intellectual Property Law Association)
Association of Global Automakers, Inc.
BIO
The Boeing Company
Boston Scientific
BSA | The Software Alliance (BSA)
Caterpillar Inc.
Corning Incorporated
The Dow Chemical Company
DuPont
Eli Lilly and Company
Exxon Mobil Corporation
Fiber to the Home Council Americas
Ford Motor Company
General Electric
Honda
IBM Corporation
Illinois Tool Works Inc. (ITW)
Information Technology Industry Council (ITI)

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Intellectual Property Owners Association (IPO)
International Fragrance Association, North America
Internet Commerce Coalition (ICC)
Johnson & Johnson
Medical Device Manufacturers Association (MDMA)
Medtronic
Michelin
Micron Technology, Inc.
Microsoft Corporation
Monsanto
The National Alliance for Jobs & Innovation (NAJI)
National Association of Manufacturers
National Foreign Trade Council
New England Council
NIKE
Pfizer
Philips Lighting
The Procter & Gamble Company
Royal Philips
SAS
Semiconductor Industry Association (SIA)
Siemens Corporation
Software & Information Industry Association (SIIA)
Telecommunications Industry Association (TIA)
Texas Association of Business
Texas Association of Manufacturers
The U.S. Chamber of Commerce
United Technologies Corporation (UTC)
3M

cc: The Honorable Chuck Grassley
 Chairman, United States Senate Committee on the Judiciary

 The Honorable Patrick Leahy
 Ranking Member, United States Senate Committee on the Judiciary

 The Honorable Orrin Hatch

 The Honorable Chris Coons