



March 31, 2016

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Harry Reid
Democratic Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patrick Leahy
Ranking Member
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Orrin Hatch
104 Hart Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Chris Coons
127A Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Majority Leader McConnell, Democratic Leader Reid, Chairman Grassley, Ranking Member Leahy, Senator Hatch, and Senator Coons:

On behalf of the members of the Information Technology Industry Council (ITI), I write to express our support for S. 1890, the Defend Trade Secrets Act of 2016 (DTSA), and commend your efforts to bring it to the Senate floor for debate and vote on April 4th. **Given the importance of trade secrets protection to the high-tech industry, we will consider scoring votes in support of DTSA in our 114th Congressional Voting Guide.**

ITI companies are at the forefront of innovation and have some of the largest trade secret and patent portfolios in the world tied to numerous goods and services offered to governments, commercial enterprises and consumers around the globe. In fact, patent portfolios often grow as a result of the ideas and products originating as trade secrets. Customer lists, manufacturing processes, and source code are just a few examples of important assets considered to be trade secrets by many companies.

Our companies pour billions of dollars into research and development to create products and services that ultimately become the backbone of their businesses. Trade secrets produced through this research and development increasingly have become attractive to competitors in other countries. In addition, advances in technology now make it easy to copy trade secret materials onto a jump drive or laptop computer that once would have taken reams of paper to reproduce. As a result, the threat posed to American trade secrets has increased and theft of these secrets robs our economy of growth and innovation.

It is long overdue for our trade secrets law to be modernized to keep pace with the rapid developments of our companies and the technologies and methods used by the criminals who target them. The patchwork of state trade secrets laws, while effective for local theft, fail to meet the demands of the global nature of today's trade secret misappropriation. In addition, trade secrets do not enjoy the same federal protections as other types of intellectual property.



While it is a federal crime to steal a trade secret, unlike patents, copyrights and trademarks, there is no federal civil remedy.

DTSA provides a solution to these problematic gaps by making federal law more comprehensive and providing trade secrets owners with remedies all forms of intellectual property should be afforded. With both a federal criminal and a federal civil cause of action, large and small companies alike will have access to more tools they need to effectively combat trade secret theft and help to ensure future innovation continues to occur in the United States.

While trade secret protection is important domestically, as American companies expand in the global marketplace, this protection is also needed worldwide. As we operate in other countries and work with them to encourage strong intellectual property protection within their own borders, the Defend Trade Secrets Act will serve as a model for effective protection.

We appreciate both the outreach to our sector from the Judiciary Committee and the co-sponsors and the opportunity to provide feedback as the legislation has evolved. The committee's process has been very open and thoughtful, enabling all industries to meaningfully participate. We look forward to continuing to work with you to move the bill forward in the House of Representatives.

On behalf of ITI's member companies, I thank you for your leadership on intellectual property protection and urge you and your colleagues to support S. 1890.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Garfield", written over a horizontal line.

Dean C. Garfield
President & CEO



About ITI. The Information Technology Industry Council (ITI) is the global voice of the tech sector, celebrating its 100th year in 2016 as the premier advocacy and policy organization for the world's leading innovation [companies](#). In both the U.S. and in countries around the world, ITI navigates the relationships between policymakers, companies, and non-governmental organizations, providing creative solutions that advance the development and use of technology around the world. Visit www.itic.org to learn more and follow us on Twitter for the latest ITI news [@ITI_TechTweets](#).