



January 22, 2018

The Honorable Robert Lighthizer
Ambassador
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Lighthizer:

On behalf of the North American music community, we are writing to express our united resolve that strong copyright protection for creative industries be central to the North American Free Trade Agreement (“NAFTA”) modernization agenda. Our community comprises music composers and lyricists, performers, record companies, music publishers, managers and collecting societies in the United States, Canada, and Mexico. We are small and large businesses, employing millions, and contributing significantly to GDP.

The North American music industry’s economic role is vital and growing, driving physical and digital trade, producing innovative and diverse new business models, and fostering investment in technological innovation. The United States, Canada and Mexico each have unique, vibrant and diverse musical traditions, which together make North America the world leader in music production and consumption. Our economic contributions depend on the protection of our industry’s creative content through copyright.

Accordingly, we support a modernized NAFTA that unambiguously protects copyrighted creative content and that rejects flawed provisions that perpetuate the misuse of safe harbors. Such flawed provisions grant a few large technology companies unintended immunity from copyright infringement liability, fostering unfair competition and resulting in unjust profit at the expense of music creators.

A few dominant platforms have pushed for provisions in NAFTA that fail to adequately protect our industry, disincentivize taking reasonable measures to protect intellectual property, and provide immunity from liability without sufficient safeguards for copyright holders. We have serious concerns that attempts to translate these complex and sensitive issues into a trade commitment would depart from our respective national laws and undermine the viability of the North American music community.

The immense potential North American markets for legitimate music exemplify the objectives of free trade, and the modernization of NAFTA provides a tremendous opportunity to expand such trade. However, flawed provisions on safe harbors threaten these gains and our future growth by disadvantaging our creative industries and undermining legitimate digital trade in the region.

Creativity, North American trade and economic growth are inextricably interwoven. We all stand to benefit from strong protections for creative content in a renegotiated NAFTA. Thank you for your work on this shared objective and we look forward to a strong trade future.

Sincerely,

American Association of Independent Music
American Federation of Musicians
Americana Music Association
Association of Independent Music Publishers
Asociación Mexicana de Productores de Fonogramas y Videogramas
Asociación Nacional de Intérpretes
Asociación Protectora de los Derechos Intelectuales Fonográficos
American Society of Composers, Authors and Publishers
Azoff Music Management
Broadcast Music, Inc
Canadian Music Publishers Association
Canadian Musical Reproduction Rights Agency
Christian Music Trade Association
Church Music Publishers Association
Editores Mexicanos de Música
Gospel Music Association
Global Music Rights
Living Legends Foundation
Music Canada
Music Managers Forum, U.S.
National Music Publishers' Association
Nashville Songwriters Association International
Productores Nacionales de Fonogramas, Videogramas y Multimedia
Recording Industry Association of America
The Recording Academy
Rhythm & Blues Foundation
Sociedad de Autores y Compositores de México
Screen Actors Guild-American Federation of Television and Radio Artists
Society of European Stage Authors and Composers
Songwriters Guild of America
Society of Composers, Authors and Music Publishers of Canada
SoundExchange
Sociedad Mexicana de Productores de Fonogramas, Videogramas y Multimedia
USAlliance for Music