

United States Senate

WASHINGTON, DC 20510

May 4, 2012

The Honorable Ron Kirk
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Kirk,

We are pleased to welcome you and your fellow trade ministers to Dallas next week and are honored that you are hosting these dignitaries in the Lone Star State.

We appreciate the important work you are doing to advance high standards of intellectual property rights across our nation's domestic industries. As you continue to make progress on the Trans-Pacific Partnership (TPP), we want to stress the importance of proposing intellectual property protection for biologic drugs that reflects the 12 years of exclusivity, which is consistent with U.S. law.

As you are aware, Congress has spoken clearly on the duration of exclusivity for biologic drugs. Current law provides for a 12-year term of regulatory data protection for biologics and we believe that should serve as the baseline for the administration's objectives for this aspect of negotiations. It is our view that current law reflects the consensus reached by Congress to balance two laudable goals: maintaining our nation's competitiveness, while improving access to safe and affordable medicines. We hope you would agree it would be troubling were the TPP to become perceived as a side-door around domestic intellectual property protections and urge you to ensure that the U.S. negotiators will support current law in their negotiations.

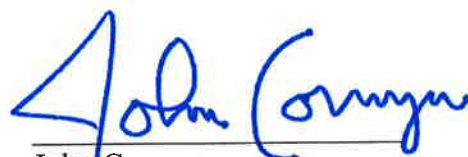
Biopharmaceutical companies support nearly 175,000 jobs in Texas, and protection of their intellectual property globally will protect their ability to compete against the rest of the world. Beginning the biologics negotiations on an intellectual property standard which mirrors U.S. law will ensure that Texans continue to lead the world in the innovation of biologics while also assuring a reasonable pathway for bio-similar products. A TPP agreement with strong protections for intellectual property rights consistent with domestic law is vital for Texas to retain these highly skilled jobs and compete in a global economy.

Again, we welcome you and the TPP participants to the Great State of Texas.

Sincerely,



Kay Bailey Hutchison
United States Senator



John Cornyn
United States Senator