

March 5, 2008

The Honorable John Conyers, Jr.
Chairman, House Committee on the Judiciary,
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Lamar S. Smith
Ranking Member, House Committee on the Judiciary,
U.S. House of Representatives
2142 Rayburn House Office Building
Washington, DC 20515

Re: H.R. 4279, Prioritizing Resources and Organization for Intellectual Property Act (PRO-IP Act) of 2007

Dear Chairman Conyers and Ranking Member Smith:

The undersigned entities have always supported the underlying objective of the Prioritizing Resources and Organization for Intellectual Property Act (PRO-IP Act) of 2007, H.R. 4279 – strong enforcement of our nation's intellectual property laws. However, we had concerns with possible adverse effects, including the impact of section 104 (computation of statutory damages in copyright cases) and Title III (establishment of the Office of the U.S. Intellectual Property Enforcement Representative).

In response to concerns voiced by several lawmakers and other entities regarding Section 104, Chairmen Conyers and Berman and Ranking Member Coble requested the Copyright Office to convene a discussion with interested parties to examine the proposed statutory change in greater detail. At that meeting, interested parties participated in a full and frank discussion of Section 104.

We understand that the Chairman's mark for the March 6, 2008 markup addresses these concerns by striking section 104 and including the agreed-upon revisions to Title III. Further, we understand that agreed-upon language concerning Title III will be included in the Committee Report on H.R. 4279.

With these changes, the undersigned organizations can support H.R. 4279 moving forward in the legislative process.

Given the importance of the structure and operation of the current statutory damage framework and alternative approaches that would promote innovation, we respectfully request a hearing on this subject.

We very much appreciate your leadership and your staffs' responsiveness in addressing our concerns.

Sincerely,

Association of Public Television Stations
Consumer Electronics Association
Library Copyright Alliance
NetCoalition
Visa Inc.

cc: Chairman Howard Berman
Ranking Member Howard Coble