

THE NEW ENGLAND COUNCIL

September 14, 2015

The Honorable Edward Markey
U.S. Senate
255 Dirksen Senate Office Building
Washington, DC 20510

RE: Defend Trade Secrets Act of 2015, S. 1890

Dear Senator Markey,

On behalf of the over 450 members of The New England Council, the nation's oldest regional business association, we write to express our support for S. 1890, the Defend Trade Secrets Act of 2015. We believe that this bipartisan, bicameral legislation will provide critical protections to help our region's innovation economy continue to grow and thrive, and we would greatly appreciate your support.

As you know, intellectual property is one of the most valued assets for a wide range of businesses across many sectors of our economy, and trade secrets are an essential form of intellectual property. The trade secrets of U.S. publicly listed companies alone are worth approximately \$5 trillion. Trade secrets can include a wide range of information, including manufacturing processes, product development, source code, industrial techniques, formulas, and customer lists. Protecting this form of intellectual property is absolutely critical to driving innovation that is so key to continued economic growth in New England.

Unfortunately, innovators in our region are increasingly the target of sophisticated efforts to steal trade secrets. While there are currently various state laws in place to address the theft of trade secrets, there are currently not adequate measures in place to address the interstate and international nature of trade secret theft in the 21st century. This is particularly problematic here in the New England region where it is incredibly easy for a party who has stolen trade secrets to move quickly across state jurisdictional borders. Further, while there are federal criminal sanctions for trade secret misappropriation under the Economic Espionage Act of 1996, companies who own trade secrets also need access to a federal civil remedy and the same legal options that are currently available to the owners of other forms of intellectual property, such as patents, trademarks and copyrights.

The Defend Trade Secrets Act of 2015 would establish a federal civil right of action for businesses to protect trade secrets. It would provide a consistent, harmonized legal framework and would help minimize the commercial injury and loss of employment that can result when trade secrets are stolen. A federal civil right of action will also eliminate the complicated and costly process of pursuing legal action across multiple state jurisdictions. This bipartisan legislation has won the support of numerous of businesses and trade associations representing a wide range of industries, including manufacturing, software, pharmaceuticals, biotechnology, and medical devices.

The New England region prides itself on being the home to some of the nation's and, indeed, the world's most cutting edge, innovative companies, all of whom play a significant role in the region's economic well-being. It is critical that we provide those innovators with the tools to protect their intellectual property so that they can continue to grow. We hope that you will support the Defend Trade Secrets Act of 2015. If you have any questions, please feel free to contact me at cheisig@newenglandcouncil.com or (617) 365-2647.

Sincerely,



Emily J. Heisig
Senior Vice President

The New England Council

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