

October 8, 2010

Karen J. Lewis  
Assistant Director, American Law Division  
Congressional Research Service/Library of Congress  
Independence Avenue and 1st Street, SE Washington, DC 20003

Dear Ms. Lewis:

For nearly two and a half years, the United States has been in negotiations over an international agreement about how intellectual property rights will be enforced. This agreement, the Anti-Counterfeiting Trade Agreement (ACTA), is nearly finalized and is an "executive agreement" that does not currently appear to require Congress' ratification because it is not intended to impact U.S. law. However, some experts outside of government are raising concerns that the ACTA text is contrary to U.S. law and its application or would present a barrier to changes in U.S. law in the area of reform to damages for patents, or access to orphaned copyrighted works.

I ask that the American Law Division review the current text of ACTA, which is enclosed and available at [www.ustr.gov](http://www.ustr.gov), in order to provide Congress a written, independent determination of whether the commitments put forward in the agreement diverge from our domestic laws or would impede legislative efforts that are currently underway. I ask that the Division pay particular attention to the provisions related to injunctions, damages, and intermediary liability.

Thank you, as always, for your prompt and thorough analysis.

Sincerely,



Ron Wyden  
United States Senator