

See Center for Media and Democracy's quick summary at bottom

ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Limited Government, Free Markets, Federalism

NEWS PUBLICATIONS MEMBERS MODEL

Exposed

By the Center for
Media and Democracy
www.prwatch.org

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board

--in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Resolution Urging the Obama Administration to Protect Intellectual Property Rights and Oppose Plain Packaging Initiatives Proposed by Trading Partners Worldwide

WHEREAS, protection and enforcement of intellectual property rights (IPR) are crucial to the future of the innovation-based economy; and

WHEREAS, the Obama Administration released the 2010 Joint Strategic Plan on Intellectual Property Enforcement in June highlighting the importance of IPRs to the U.S. economy; and pledged to work with U.S. trading partners and within international organizations to better enforce American intellectual property rights in the global economy; and

WHEREAS, the Obama Administration pledged to initiate a comprehensive review of current efforts in support of U.S. businesses that have difficulty enforcing their intellectual property rights in overseas markets; and

WHEREAS, U.S. intellectual property is worth an estimated \$5.5 trillion, more than the GDP of any country, and IP-related industries account for more than half of all U.S. exports, helping to drive 40% of America's domestic growth; and

WHEREAS, intellectual property, including trademarks, are essential to a company's ability to compete and thrive in the global economy; and plain packaging legislation is, in effect, a government seizure of a corporation's most valuable asset, its brand, trademark and/or logo; and

WHEREAS, the American Legislative Exchange Council (ALEC) recognizes the importance to the market economy of protecting IPR, including trademarks; and

WHEREAS, plain packaging proposals mandate that consumer products be packaged in plain or brown matte paper, using standardized font, no color and without logos or any other identifying characteristics; and

WHEREAS, legislatures in a number of countries and regions including but not limited to Australia, Canada and the European Union are considering policies that would result in plain packaging mandates; and

WHEREAS, compliance with plain packaging regulations would wipe out the value of goodwill accrued by a company over many years through the development of its trademark and branding; and

WHEREAS, IPR protection provides predictability and certainty for consumers and producers; and

WHEREAS, IPR protection, including the protection of trademarks, is codified in the Paris Convention for the Protection of Industrial Property to which the United States and said countries that are considering plain

packaging regulations are signatories; and

WHEREAS, the United States along with all other members of the World Trade Organization (WTO), including the countries considering plain packaging legislation, are parties to the Trade-Related Aspects of Intellectual Property (TRIPS) Agreement, which has codified the importance of protecting IPR, including trademarks; and

WHEREAS, the United States along with all other members of the WTO, including the countries considering plain-packaging legislation, are parties to the Technical Barriers to Trade (TBT) Agreement which requires that technical regulations, including packaging and labeling requirements, should avoid unnecessary obstacles to trade; and

WHEREAS, a number of countries currently considering plain packaging proposals have bilateral trade agreements with the United States which have provisions protecting IPR, including trademarks; and

WHEREAS, plain packaging and labeling requirements would appear to be inconsistent with the IPR provisions in TRIPS, the TBT and certain bilateral free trade agreements entered into by the United States and set a dangerous precedent that could further erode current international IPR protection and enforcement efforts; and

WHEREAS, the U.S. Chamber of Commerce and other U.S. organizations recognize that plain packaging is likely to increase the incidence of counterfeiting and will harm brands and industries by decreasing the amount of differentiation between products and introducing an element of risk into the market; and

WHEREAS, plain packaging will decrease consumer confidence in goods because of a lack of knowledge as to the origin and quality of the product; and

NOW THEREFORE, BE IT RESOLVED that ALEC call upon the Obama Administration's new IP Enforcement Coordinator, Victoria Espinel, to continue to uphold intellectual property rights by speaking out against calls for plain packaging legislation by our trading partners; and

BE IT FURTHER RESOLVED, that ALEC urge legislatures around the world to reject plain packaging legislation it is asked to consider; and

BE IT FURTHER RESOLVED, that ALEC will submit this resolution to Victoria Espinel, U.S. IP Enforcement Coordinator at the U.S. Office of Management and Budget, U.S. Trade Representative Ron Kirk, U.S. Department of Commerce, the Australian government, the British Parliament, the European Union's European Economic and Social Committee, the Director General Trade and the governments of countries that consider enacting plain packaging regulations in the future.

Adopted by the International Relations Task Force, August 5, 2010.

Approved by the ALEC Board of Directors, September 19, 2010.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECExposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary

From the older resolutions in support of Fast Track Trade Promotion Authority-- which was used to push a permanent normal trading relationship with China through Congress in 2000 with little discussion or debate-- to more recent resolutions in support of the proposed Colombia Free Trade Agreement, ALEC has consistently urged its members to support a radical "free trade" agenda. This free trade agenda has cost America millions of jobs as factories closed and moved overseas in search of cheaper labor. Since 2001, an estimated 2.4 million American jobs have been lost to China alone. Now a diverse array of service sector jobs, from accounting and tax preparation to health care and credit card servicing, are being offshored under these agreements. Such free trade agreements also allow public health, consumer, environmental and worker safety rules to be challenged as "barriers to trade" in trade tribunals that operate outside the constraints of U.S. law.

ALEC has also been a major promoter of the U.S. tobacco industry, which seeks to hook new generations of smokers on their products around the world. Reynolds Tobacco is on the International Relations Task Force of ALEC. ALEC has a trade resolution specifically advancing a newer tobacco product called *Snus*, a moist tobacco product often marketed to the young with fruit flavors. Reynolds produces Camel *Snus* in four flavors and is not happy that this dangerous product is banned in most of Europe.