

August 20, 2018

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex C)
Washington, DC 20580

RE: *Multi-Association Comments to the Federal Trade Commission to Inform its Competition and Consumer Protection in the 21st Century Hearings (Project Number P181201)*

The undersigned trade associations, representing a range of interests and sectors that are responsible for over \$5 trillion of economic activity annually and employ approximately 54 million Americans, write to provide input to the Federal Trade Commission (FTC) to inform its hearings on whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection enforcement law, enforcement priorities, and policy.¹ Specifically, we join together to respond to Question 8 posed by the FTC (“The role of intellectual property and competition policy in promoting innovation”).

Our members value the development of standards and appreciate the relationship between standards development and intellectual property rights, and seek to avoid the harmful impacts of standard essential patent (SEP) abuse. Many of our members actively participate in the development of standards. Many members also create, use, and sell products that implement those standards. Each of these stakeholder groups in the standards ecosystem relies on the commitment voluntarily made to act in a fair, reasonable, and non-discriminatory (FRAND) manner with respect to standard essential patents (SEPs).

Building on our cross-sectoral perspectives and agreement, we have authored a white paper, *Standards, Licensing, and Innovation: A Response to DOJ AAG’s Comments on Antitrust Law and Standard-Setting*, which is appended to this letter and that we believe will assist the FTC in its examination of issues arising generally, and specifically under Question 8. This white paper is intended to provide a thoughtful contribution regarding the roles of standardization, intellectual property, and competition law, and the interplay between each.

¹ Federal Trade Commission, *Hearings on Competition and Consumer Protection in the 21st Century*, Notice of Hearings and Request for Comments, 83 FR 38307 (August 6, 2018).

We support the continued leadership of the FTC in competition policy and consumer protection and urge for its careful consideration of our views on the crucial topics raised in our white paper. We stand ready to further elaborate on our views in future discussions or to assist you further in any way helpful.

Sincerely,

ACT | The App Association
Alliance of Automobile Manufacturers
Computer & Communications Industry Association (CCIA)
High Tech Inventors Alliance (HTIA)
National Retail Federation
Software & Information Industry Association (SIIA)

About the co-signing associations:



**ACT | The App
Association**

The App Association represents more than 5,000 small business software developer and high-tech companies from across the United States and around the world. Through its All Things FRAND initiative, the App Association works to preserve and promote innovation generally, as well as to accelerate the growth of technology markets through robust standards development and a balanced intellectual property system.

For more please visit: <http://www.actonline.org/>
<https://allthingsfrand.com/>



**Alliance of Automobile
Manufacturers**

The Auto Alliance is a trade association representing 12 automakers. Together, our mission is to promote policies that allow automakers the freedom and control to build cars and light trucks that are safe, reliable, energy-efficient, clean and smart — all so our customers can enjoy greater peace of mind as they go about their daily lives.

Visit www.autoalliance.org.



**Computer &
Communications
Industry Association
(CCIA)**

The Computer & Communications Industry Association is an international nonprofit association representing a broad cross section of computer, communications and Internet industry firms. Our members employ more than 750,000 workers and generate annual revenues in excess of \$540 billion. CCIA remains dedicated, as it has for over 40 years, to promoting innovation and preserving full, fair and open competition throughout our industries.

For more, please go to: www.ccianet.org.



**High Tech Inventors
Alliance (HTIA)**

The High Tech Inventors Alliance (HTIA) is dedicated to advancing a patent system that promotes and protects real investments in technologies and American jobs. Collectively, HTIA's members employ nearly 500,000 U.S. employees, spent \$63 billion last year alone on research and development, hold more than 115,000 U.S. patents, and have a market capitalization of more than \$2 trillion.

Please visit: <https://www.hightechinventors.com/>.



**National Retail
Federation**

The National Retail Federation is the world’s largest retail trade association. Based in Washington, D.C., NRF represents discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and internet retailers from the United States and more than 45 countries. Retail is the nation’s largest-private sector employer, supporting one in four U.S. jobs — 42 million working Americans. Contributing \$2.6 trillion to annual GDP, retail is a daily barometer for the nation’s economy.

Please visit: <https://nrf.com/>.



**Software & Information
Industry Association
(SIIA)**

The Software & Information Industry Association (SIIA) is the principal association for the software and digital content industries. SIIA provides global services in government relations, business development, corporate education and intellectual property protection to the leading companies that are setting the pace for the digital age. SIIA aggressively promotes and protects the interests of its member companies in legal and public policy debates by working with state, federal and international policymakers and participating in landmark legal decisions.

Link: www.siaa.net/policy.