



## **US Democratic Presidential Candidates on IP (*Posted 29 January, 2008*)**

### ***Hillary Rodham Clinton***

#### **Medical Innovation**

- Advocates removal of “barriers to generic competition.”
- “Eliminate loopholes in federal law that allow drug companies to use the courts to prevent generic competitors from coming to market.”
  - “Increase funding for the Office of Generic Drugs at FDA to eliminate the backlog of generic drug applications.
  - “Give the FDA the authority to approve safe and effective biogeneric drugs—ending the monopoly currently enjoyed by large biopharmaceutical companies.”<sup>1</sup>

#### **Patent Reform**

- A professor of law at George Washington who has analysed the candidates and IP expertise believes Clinton’s professional development occurred before the real value of patents was understood.<sup>2</sup>

#### **Copyright and Piracy**

- “Strong copyright protections and efforts to stem piracy are critical to ensuring that our technology industries remain competitive in the global market.”
- Supports “a review of a range of issues related to the Digital Millennium Copyright Act insofar as it [does] not concern degrading copyright protections or encourage copyright infringements.”<sup>3</sup>

#### **Access to Knowledge**

- Proposes a “government blogging team where people in the agencies are constantly telling all of you, the taxpayers, the citizens of America, everything that's going on so that you have up-to-the-minute information about what your government is doing...”<sup>4</sup>
- Wants to “put everything on the Internet... the budget of every agency [to allow people to] track everything that goes on in your government -- you pay for it, you should know about it!”<sup>5</sup>

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1 Statement on Agenda to Lower Health Care Costs, available online at:  
<http://www.hillaryclinton.com/files/pdf/healthcarecosts.pdf>.

2 <http://ipgeek.blogspot.com/2008/01/american-presidential-elections-and-ip.html>

3 [http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028\\_3-6224039.html](http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028_3-6224039.html)

4 <http://blog.wired.com/27bstroke6/2008/01/clinton-chasing.html>

5 <http://blog.wired.com/27bstroke6/2008/01/clinton-chasing.html>

## Internet Neutrality

→ Supports Net neutrality.

→ [The Internet] does not decide who can enter its marketplace and it does not pick which views can be heard and which ones silenced. It is the embodiment of the fundamental democratic principles upon which our nation has thrived for hundreds of years.”<sup>6</sup>

→ Cosponsored the Internet Freedom Preservation Act, and supports its reintroduction: “no other communications medium in recent history has had such a profound impact as the Internet on free expression, education, the proliferation of commerce, and the exchange of political ideas. And it is the basic principles of neutrality and nondiscrimination that have allowed the Internet to flourish.”<sup>7</sup>

## Internet Access

→ Would “strengthen tax incentives for extending broadband to underserved areas, support state and local broadband initiatives, from new wireless technologies to high-speed fibre optics.”

→ Wants to “change the FCC rules so that we finally have an accurate, detailed picture of broadband deployment and penetration rates... at present, the FCC data is unreliable because it is based on loose estimates and outdated standards. I will also create a public-private partnership to effectively map broadband availability and broadband demand, and to extend broadband to every corner of every state in the country.”<sup>8 9</sup>

## WTO / IP Abroad

→ Asked specifically about China by the Council on Foreign Relations, Clinton replied “the countries with whom we do business to have protections for intellectual property” that are enforceable.<sup>10</sup>

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6 <http://www.freepress.net/news/27534>

7 [http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028\\_3-6224039.html](http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028_3-6224039.html)

8 [http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028\\_3-6224039.html](http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028_3-6224039.html)

9 CNET interview: [http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028\\_3-6224039.html](http://www.news.com/Technology-Voters-Guide-Hillary-Clinton/2100-1028_3-6224039.html)

10 Council on Foreign Relations, interviews with candidates on China policy, available online at [http://www.cfr.org/publication/14759/candidates\\_on\\_us\\_policy\\_toward\\_china.html#163](http://www.cfr.org/publication/14759/candidates_on_us_policy_toward_china.html#163)

## **John Edwards**

### **Medical Innovation**

→ Supports tax credits for research and experimentation to encourage long-term commitment to research.<sup>11</sup>

→ Wants to “modernise patent laws” to provide incentives for research. → Wants to put together a panel of experts to “explore whether there are certain key disorders where prizes for breakthroughs – as an alternative to patent monopolies—would offer new incentives to researchers, guaranteed gains to companies, and lower costs to patients.”<sup>12</sup>

### **Copyright and Piracy**

→ In response to a CNet interview question about the Digital Millennium Copyright Act: “While I am not convinced that allowing backup copies is the best reform for consumers or content producers, I do believe that our intellectual property laws and regulations should better balance the industry's legitimate concerns over piracy with common-sense consumer freedoms ... one role for government regulation may be better rules governing disclosure, so that people are aware, before they purchase digital media products, of the limitations imposed on their use.”

### **Access to Knowledge**

→ Believes that media consolidation “threatens free speech, tilts the public dialogue towards corporate priorities and away from local concerns.”<sup>13</sup>

### **Internet Neutrality**

→ Supports Internet neutrality; believes the Internet must continue to be open and democratic.

→ From a CNET interview: “I will ensure that the FCC [Federal Communications Commission] preserves free expression and competition on the Internet by enforcing Net neutrality, ensuring no degradation or blocking of access to Web sites. I will also bring the Carterfone interoperability rule to wireless so that Americans can connect any device or applications to their wireless service, just as they can to their landline phone service.”<sup>14</sup>

→ On broadband spectrum now up for auction: “I was the only presidential candidate to write to the FCC in May to urge it to adopt auction rules for the 700 megahertz spectrum that would unleash the potential of smaller new entrants, transforming information opportunity for people across America - rural and urban, wealthy and not ... anyone winning rights to this valuable public resource should be required not to discriminate among data and services and to allow any device or application to connect to their service.”<sup>15 16</sup>

→ Promised he will “support and make a priority Net neutrality and will only appoint FCC commissioners who support principles like Net neutrality.”<sup>17</sup>

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11 <http://www.johnedwards.com/issues/innovation/>

12 <http://www.johnedwards.com/news/headlines/20070614-health-care-costs/>

13 <http://www.johnedwards.com/issues/open-media/>

14 [http://news.zdnet.com/2100-9588\\_22-6224302.html](http://news.zdnet.com/2100-9588_22-6224302.html); ‘Carterfone rules’ were enacted in 1968, when AT&T had a monopoly over phone networks

15 Tech Crunch on John Edwards: <http://www.techcrunch.com/presidential/candidate.php?candidate=24>

16 The text of Edward’s letter to the FCC is available online at:  
<http://blog.johnedwards.com/story/2007/5/30/13258/0589>

17 <http://www.youtube.com/watch?v=5PDLeUDTU9o>

## **Internet Access**

→ Believes access should be “universal, affordable.” Supports increased broadband penetration.  
→ From a TechCrunch interview: The goal should be to ensure “... all US homes and businesses access to real high-speed Internet by 2010. I will establish a national broadband map to identify gaps in availability, price, and speed. I will also create public-private partnerships to promote deployment and require providers not to discriminate against rural and low-income areas. I will work to improve Internet accessibility for people with disabilities. I believe we need to improve the e-rate programme with a goal of universally wired schools.”<sup>18</sup>

## **WTO / IP Abroad**

→ “The US Trade Representative is currently responsible for enforcement, but often neglects trade deals as soon as the ink dries. As a result, trade violations like subsidies are overlooked, unsafe products enter the country, intellectual property is pirated, and goods are counterfeited. Edwards will assign top prosecutors at the US Department of Justice to the job of enforcing trade laws, including the stronger labour and environment standards he will negotiate.”<sup>19</sup>

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18 Tech Crunch on John Edwards: <http://www.techcrunch.com/presidential/candidate.php?candidate=24>

19 <http://www.johnedwards.com/issues/trade/>

## **Mike Gravel**

### **Copyright and Piracy**

→ In response to a question about stealing songs off the Internet: "I don't know enough about the whole copyright issue ... that's a very philosophical issue. Is an entrepreneur motivated by money or creativity? I think an entrepreneur is motivated more by creativity and enjoys the rewards ... With respect to patents and copyrights, if a person's got a song in his heart, does a person write the song, because he's going to have a copyright or does he write the song, because he wants to voice in his heart. I don't know. All I can give you is the philosophical expression I just articulated. " <sup>20</sup>

### **Internet Neutrality**

→ "The first rule is leave the Internet alone. Keep it free." <sup>21</sup>

→ Government should not be at all involved in the Internet. <sup>22</sup>

→ "Net Neutrality aims to keep the Internet free from large companies, which are trying to limit the number of web sites their customers can view and the speed at which they can view them. Senator Gravel guarantees a free and open Internet with unlimited access to all sites. He will do this by supporting legislation and regulation that keeps you in control of your Internet usage and promotes free speech." <sup>23</sup>

### **Internet Access**

→ Believes "there shouldn't be a child in this country that should not have the ability to have a computer at a very young age... We need a national programme to eliminate the divide not only for children but for adults and Middle America who are not totally attuned to the technology." <sup>24</sup>

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20 From an Interview with Michael Arrington at TechCrunch, 8 December 2007, available online:

<http://www.techcrunch.com/2007/12/08/presidential-candidate-mike-gravel-does-things-a-little-differently/>

21 Statement to Andy Carvin at PBS's "Ask a Presidential Candidate," Available online:

[http://www.pbs.org/teachers/learning.now/2007/06/ask\\_a\\_presidential\\_candidate.html](http://www.pbs.org/teachers/learning.now/2007/06/ask_a_presidential_candidate.html)

22 Via Tech crunch, <http://www.techcrunch.com/presidential/candidate.php?candidate=25>

23 Campaign website, [www.gravel2008.us/issues](http://www.gravel2008.us/issues)

24 From an Interview with Tech Crunch 9 December, 2007. Available online at:

<http://www.techpolicycentral.com/2007/12/gravels-take-on-tech.php>

## **Barack Obama**

### **Medical Innovation**

- Believes we should use “technology and innovation to solve the nation’s most pressing problems, including reducing the costs of healthcare.”<sup>25</sup>
- Will work to “increase the use of generic drugs in Medicare, Medicaid, and FEHBP and prohibit big name drug companies from keeping generics out of markets.”<sup>26</sup>
- Obama “will prevent companies from abusing their monopoly power through unjustified price increases.”<sup>27</sup>

### **Patent Reform**

- “Barack Obama believes we need to update and reform our copyright and patent systems to promote civic discourse, innovation and investment while ensuring that intellectual property owners are fairly treated ... By improving predictability and clarity in our patent system, we will help foster an environment that encourages innovation.”<sup>28</sup>
- Wants to open the “patent process to citizen review [to] reduce the uncertainty and wasteful litigation that is currently a significant drag on innovation.”
- Believes “with better informational resources, the Patent and Trademark Office could offer patent applicants who know they have significant inventions the option of a rigorous and public peer review that would produce a "gold-plated" patent much less vulnerable to court challenge.”
- Obama “will ensure that our patent laws protect legitimate rights while not stifling innovation and collaboration.”<sup>29</sup>

### **Copyright and Piracy**

- In response to a question on support for the 1998 Digital Millennium Copyright Act to be amended to allow Americans to make back-up copies of DVDs and video games they’ve purchased: “I would support, in concept, allowing Americans to make a single backup copy of a digital product they have purchased. And I think the market is moving in the direction of greater consumer freedom.”<sup>30</sup>
- “As policymakers, we are in a constant process of examining our laws to ensure that the protections we place on intellectual property are sufficient to encourage invention without hindering innovation that builds on previous work or unfairly limiting consumers from using the goods they purchase in a way that is fair to creators.”<sup>31</sup>

### **Access to Knowledge**

- Believes “democracy is strongest when its citizens can engage in the full and free exchange of information and ideas.”<sup>32</sup>

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25 <http://my.barackobama.com/page/-/HQpress/111307%20Innovation%20fact%20sheet.pdf>

26 <http://www.barackobama.com/issues/healthcare/>

27 <http://www.barackobama.com/issues/healthcare/>

28 <http://my.barackobama.com/page/-/HQpress/111307%20Innovation%20fact%20sheet.pdf>

29 <http://my.barackobama.com/page/-/HQpress/111307%20Innovation%20fact%20sheet.pdf>

30 from a CNet interview: [http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028\\_3-6224109.html](http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028_3-6224109.html)

31 from a CNet interview: [http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028\\_3-6224109.html](http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028_3-6224109.html)

32 <http://my.barackobama.com/page/-/HQpress/111307%20Innovation%20fact%20sheet.pdf>

→ Diversity of media ownership is “critical to the public interest. Providing opportunities for minority-owned businesses is fundamental to creating the diverse media environment that federal law requires and the country deserves and demands.”<sup>33</sup>

## Internet Neutrality

→ Supports the legislation S.215, an amendment to the Communications Act of 1934 to ensure Net Neutrality.<sup>34</sup>

→ Believes “network providers should not be allowed to charge fees to privilege the content or applications of some Web sites and Internet applications over others ... new competitors, especially small or nonprofit speakers, [should] have the same opportunity as incumbents to innovate on the Internet and to reach large audiences.”<sup>35</sup>

→ I will protect the Internet's traditional openness to innovation and creativity, and ensure that it remains a platform for free speech and innovation that will benefit consumers and our democracy.”<sup>36</sup>

## Internet Access

→ Promises to ensure “that our schools, libraries, households and hospitals have access to next generation broadband networks. I will also make sure that there are adequate training and other supplementary resources to allow every school, library and hospital to take full advantage of the broadband connectivity.”<sup>37</sup>

→ Will “establish a multi-year plan with a date certain to change the Universal Service Fund programme from one that supports voice communications to one that supports affordable broadband, with a specific focus on reaching previously un-served communities.”<sup>38</sup>

→ Will “encourage innovation at the local level through federal support of public/private partnerships that deliver broadband to communities without real broadband.”<sup>39</sup>

## WTO / IP Abroad

→ Obama “will work to ensure intellectual property is protected in foreign markets, and promote greater cooperation on international standards that allow our technologies to compete everywhere.”<sup>40</sup>

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33 <http://my.barackobama.com/page/-/HQpress/111307%20Innovation%20fact%20sheet.pdf>

34 The text to the Bill is available online at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:S.215>: The statement of support is available online, as part of an interview with technology news source CNet, at: [http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028\\_3-6224109.html](http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028_3-6224109.html)

35 CNet interview. [http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028\\_3-6224109.html](http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028_3-6224109.html)

36 CNet interview. [http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028\\_3-6224109.html](http://www.news.com/Technology-Voters-Guide-Barack-Obama/2100-1028_3-6224109.html)

37 From an Interview with Tech Crunch: <http://www.techcrunch.com/2007/11/26/qa-with-senator-barack-obama-on-key-technology-issues/>

38 From an Interview with Tech Crunch: <http://www.techcrunch.com/2007/11/26/qa-with-senator-barack-obama-on-key-technology-issues/>

39 From an Interview with Tech Crunch: <http://www.techcrunch.com/2007/11/26/qa-with-senator-barack-obama-on-key-technology-issues/>

40 From Obama's position paper on innovation and technology, available online at: <http://my.barackobama.com/page/-/HQpress/111307%20Innovation%20fact%20sheet.pdf>