

DRAFT
Subject to Legal Review for Accuracy, Clarity, and Consistency
April 9, 2004

The Honorable
Robert B. Zoellick
United States Trade Representative

Dear Ambassador Zoellick:

In connection with the signing on this date of the United States – Dominican Republic Free Trade Agreement (the “Agreement”), I have the honor to confirm the understanding reached, by our two Governments, in relation to Chapter 15 (Intellectual Property Rights) of the Agreement as follows:

In meeting the obligations of Article 15.11.26 (Criminal Procedures and Remedies), the Government of the Dominican Republic affirms its commitment to take all necessary steps to halt television broadcasting piracy (the unauthorized broadcasting of copyrighted materials) by licensed broadcasting stations and to provide a deterrent to future infringements, as required by the Agreement. Furthermore, the Government agrees to provide quarterly reporting of progress made in all cases involving television broadcasting piracy (including criminal, administrative and civil investigations and actions). Such quarterly reports shall begin within 60 days, and shall continue until such time as both Governments mutually agree to the cessation of such reports. This bilateral reporting effort complements the Article 15.11.3 requirement to make information on intellectual property rights enforcement publicly available.

In meeting the obligations of Article 15.11.26 (Criminal Procedures and Remedies) and Articles 15.11.6 through 15.11.16 (Civil and Administrative Procedures and Remedies), the Government of the Dominican Republic agrees to make every effort to immediately achieve the expeditious resolution of pending criminal copyright infringement cases, including those pending in the court of first instance as well as those on appeal as of the date of the signing of this Agreement. While the Government respects the independence of the judiciary, the Government acknowledges that there is a significant need for improvement in the promptness of judicial action in order to meet all the terms of the Intellectual Property Rights Chapter of this Agreement.

I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,
Sonia Guzman
Secretary of Industry and Commerce
of the Dominican Republic