

COURTESY TRANSLATION

August 5, 2004

The Honorable Robert B. Zoellick
United States Trade Representative
Washington, D.C.

Dear Ambassador Zoellick:

I have the honor to confirm the following understandings reached between the delegations of the Dominican Republic and the United States in the course of negotiations regarding Chapter Fifteen (Intellectual Property Rights) of the Dominican Republic – Central America – United States Free Trade Agreement signed this day (the “Agreement”):

In fulfilling its obligations under Article 15.11.26 (Enforcement of Intellectual Property Rights), the Dominican Republic will 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 Chapter Fifteen. Beginning within 60 days from today and ending at such time as our Governments may later agree, the Dominican Republic shall provide a written quarterly report to the United States describing progress that the Dominican Republic has made in pursuing television broadcasting piracy, including specific criminal, administrative, and civil investigations and actions. These reports will serve to complement compliance with Article 15.11.3, which calls on the Parties to make information on intellectual property rights enforcement publicly available.

In implementing Article 15.11.26 and Article 15.11.6 through 15.11.16, the Dominican Republic shall 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 today’s date. While the Dominican Republic 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 obligations of Chapter Fifteen.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.

Sincerely,

Sonia Guzmán de Hernández

August 5, 2004

The Honorable Sonia Guzmán de Hernández
Secretary of State of Industry and Commerce
Santo Domingo, Dominican Republic

Dear Secretary Guzmán:

I am pleased to acknowledge your letter of today's date, which reads as follows:

“I have the honor to confirm the following understandings reached between the delegations of the Dominican Republic and the United States in the course of negotiations regarding Chapter Fifteen (Intellectual Property Rights) of the Dominican Republic – Central America – United States Free Trade Agreement signed this day (the “Agreement”):

In fulfilling its obligations under Article 15.11.26 (Enforcement of Intellectual Property Rights), the Dominican Republic will 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 Chapter Fifteen. Beginning within 60 days from today and ending at such time as our Governments may later agree, the Dominican Republic shall provide a written quarterly report to the United States describing progress that the Dominican Republic has made in pursuing television broadcasting piracy, including specific criminal, administrative, and civil investigations and actions. These reports will serve to complement compliance with Article 15.11.3, which calls on the Parties to make information on intellectual property rights enforcement publicly available.

In implementing Article 15.11.26 and Article 15.11.6 through 15.11.16, the Dominican Republic shall 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 today's date. While the Dominican Republic 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 obligations of Chapter Fifteen.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.”

I have the honor to confirm that the understandings referred to in your letter are shared by my Government, and that your letter and this reply shall constitute an agreement between our two Governments.

Sincerely,

Robert B. Zoellick