Negotiators’ Letter for Dominican Republic with respect to Chapter 15 (Intellectual Property)

Mr. Mark Wu  
Director for Intellectual Property  
Office of the United States Trade Representative

Dear Mr. Wu:

In connection with our negotiations concerning the integration of the Dominican Republic into the United States – Central America Free Trade Agreement (“the Agreement”), I have the honor to confirm the following understandings shared by the negotiators in relation to Chapter 15 (Intellectual Property Rights).

Article 15.9.4 limits the conditions under which a Party may revoke a patent, but does not confine the circumstances, such as non-payment of maintenance fees, that may result in the expiration of a patent in a Party.

The requirements of Article 15.10.1(b) apply only if a Party permits, as a condition of approving the marketing of a new pharmaceutical or agricultural chemical product, third persons to submit evidence concerning the safety or efficacy of a product that was previously approved in another territory, such as evidence of prior marketing approval. The requirements of Article 15.10.1(b) do not apply so long as a Party does not permit such action.

These understandings are without prejudice to the rights of any Party to invoke the dispute settlement provisions of Chapter ___ concerning the meaning and application of relevant terms in the Agreement.

I would be grateful if you would confirm that you share these understandings.

Sincerely,

Lic. Orlando Jorge Mera  
Secretary of State  
President of the Council of Directors  
INDOTEL