

Draft
Subject to Legal Review for Accuracy, Clarity, and Consistency
March 31, 2004

[Date]

The Honorable Robert B. Zoellick
United States Trade Representative

Dear Ambassador Zoellick:

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

The implementation of the provisions of Chapter 15 of the Agreement does not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all. This will concern, in particular, cases such as HIV/AIDS, tuberculosis, malaria and other epidemics as well as circumstances of extreme urgency or national emergency.

In the event the provisions of Chapter 15 violate an amendment that has entered into force with respect to the Parties of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) (the TRIPS Agreement), the Parties agree to immediate cooperative consultations in order to adapt Chapter 15 of the Agreement as appropriate in light of the amendment to the TRIPS Agreement.

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

Sincerely,

[Moroccan Government Official]

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[Date]

[Moroccan Government Official]
Kingdom of Morocco

Dear [Moroccan Government Official]:

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

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

The implementation of the provisions of Chapter 15 of the Agreement does not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all. This will concern, in particular, cases such as HIV/AIDS, tuberculosis, malaria and other epidemics as well as circumstances of extreme urgency or national emergency.

In the event the provisions of Chapter 15 violate an amendment that has entered into force with respect to the Parties of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) (the TRIPS Agreement), the Parties agree to immediate cooperative consultations in order to adapt Chapter 15 of the Agreement as appropriate in light of the amendment to the TRIPS Agreement.

I have the honor to confirm that my Government shares the understanding set forth in your letter.

Sincerely,

Robert B. Zoellick