

Subject to Legal Review for Accuracy, Clarity and Consistency

[date]

The Honorable Michael B.G. Froman
United States Trade Representative
Office of the U.S. Trade Representative
Washington, D.C.

Dear Ambassador Froman:

I have the honor to confirm the following understanding reached between representatives of the Government of Vietnam (“Vietnam”) and the Government of the United States of America (“United States”) regarding Bourbon Whiskey and Tennessee Whiskey during the negotiations of Chapter 2 (National Treatment and Market Access for Goods) of the Trans-Pacific Partnership Agreement (“TPP Agreement”):

1. Vietnam shall recognize Bourbon Whiskey and Tennessee Whiskey as distinctive products of the United States. Accordingly, Vietnam shall, pursuant to its laws and regulations on unfair competition, not permit the sale of any product as Bourbon Whiskey or Tennessee Whiskey if it has not been manufactured in the United States in accordance with the laws and regulations of the United States governing the manufacture of Bourbon Whiskey or Tennessee Whiskey.
2. The United States shall promptly notify Vietnam of its existing laws and regulations governing the manufacture of Bourbon Whiskey or Tennessee Whiskey and of any modifications it makes to those laws and regulations thereafter.
3. For greater certainty, nothing in this letter shall be construed to create or confer any right relating to a trademark or geographical indication.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between Vietnam and the United States.

Yours sincerely,

Minister Vu Huy Hoang

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[date]

The Honorable Vu Huy Hoang
Minister of Trade and Industry
Ministry of Trade and Industry
Hanoi, Vietnam

Dear Minister Hoang:

I am pleased to acknowledge your letter of this date, which reads as follows:

“I have the honor to confirm the following understanding reached between representatives of the Government of Vietnam (“Vietnam”) and the Government of the United States (“United States”) regarding Bourbon Whiskey and Tennessee Whiskey during the negotiations of Chapter 2 (National Treatment and Market Access for Goods) of the Trans-Pacific Partnership Agreement (“TPP Agreement”):

1. Vietnam shall recognize Bourbon Whiskey and Tennessee Whiskey as distinctive products of the United States. Accordingly, Vietnam shall, pursuant to its laws and regulations on unfair competition, not permit the sale of any product as Bourbon Whiskey or Tennessee Whiskey if it has not been manufactured in the United States in accordance with the laws and regulations of the United States governing the manufacture of Bourbon Whiskey or Tennessee Whiskey.
2. The United States shall promptly notify Vietnam of its existing laws and regulations governing the manufacture of Bourbon Whiskey or Tennessee Whiskey and of any modifications it makes to those laws and regulations thereafter.
3. For greater certainty, nothing in this letter shall be construed to create or confer any right relating to a trademark or geographical indication.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between Vietnam and the United States.”

I have the honor to confirm that my Government shares this understanding, and that your letter and this reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Vietnam.

Sincerely,

Ambassador Michael B.G. Froman