

June 28, 2007

The Honorable Alejandro Ferrer
Minister of Commerce and Industry
Republic of Panama

Dear Minister Ferrer:

I have the honor to confirm the following understandings reached between the delegations of the United States and Panama in the course of negotiations regarding Chapter Fifteen (Intellectual Property Rights) of the United States – Panama Trade Promotion Agreement between our two Governments signed this day (the “Agreement”):

Each Party recognizes the importance of traditional knowledge and folklore to its people.

Accordingly, the Parties will seek to work together in consulting on issues and positions in the World Intellectual Property Organization Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore in addressing matters related to traditional knowledge and folklore.

If the United States and another government sign a free trade agreement that contains provisions addressing traditional knowledge or folklore, the United States and Panama shall promptly consult after that agreement enters into force on whether to apply similar provisions, as appropriate, between the United States and Panama.¹

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, to enter into force on the date the Agreement enters into force.

Sincerely,

Susan C. Schwab

¹ The Parties shall initiate any such consultations through the Free Trade Commission established under Article 19.1 (The Free Trade Commission) of the Agreement.

[COURTESY TRANSLATION]

June 28, 2007

The Honorable Susan C. Schwab
United States Trade Representative
Washington, D.C.

Dear Ambassador Schwab:

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 United States and Panama in the course of negotiations regarding Chapter Fifteen (Intellectual Property Rights) of the United States – Panama Trade Promotion Agreement between our two Governments signed this day (the “Agreement”):

Each Party recognizes the importance of traditional knowledge and folklore to its people.

Accordingly, the Parties will seek to work together in consulting on issues and positions in the World Intellectual Property Organization Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore in addressing matters related to traditional knowledge and folklore.

If the United States and another government sign a free trade agreement that contains provisions addressing traditional knowledge or folklore, the United States and Panama shall promptly consult after that agreement enters into force on whether to apply similar provisions, as appropriate, between the United States and Panama.¹

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, to enter into force on the date the Agreement enters into force.”

I have the honor to confirm that my government shares these understandings, and that your letter and this letter in reply shall constitute an agreement between our two Governments, to enter into force on the date the Agreement enters into force.

Sincerely,

Alejandro Ferrer

¹ The Parties shall initiate any such consultations through the Free Trade Commission established under Article 19.1 (The Free Trade Commission) of the Agreement.