

EXECUTIVE OFFICE OF THE PRESIDENT
DEPUTY UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

November 22, 2006

The Honorable Jorge Humberto Botero
Minister of Commerce, Industry and Tourism
Ministerio de Comercio, Industria y Turismo
Bogotá, Colombia


Dear Minister Botero:

In connection with the signing on this date of the United States – Colombia Trade Promotion Agreement (the “Agreement”), I have the honor to confirm the following understandings reached by the Governments of the United States of America and the Republic of Colombia during the course of the negotiation of Chapter Sixteen (Intellectual Property Rights) of the Agreement:

- (1) Colombia shall take measures to expeditiously process patent applications that have been pending for a significant period of time (“backlog applications”), such that the number of backlog applications will be significantly reduced as of December 31, 2008. Colombia shall accomplish this by, among other measures, significantly increasing the number of patent examiners and enhancing examination training for patent examiners.
- (2) * For greater certainty, the Parties recognize that there may be a variety of ways to implement the obligations of Article 16.10.3 of the Agreement; in particular, the Parties recognize that nothing in Article 16.10.3(b) specifically sets out an obligation as to when a patent should be identified to the approving authority, who should identify the patent to the approving authority, or how the patent owner shall be informed of the identity of persons requesting marketing approval during the term of the patent. The Parties recognize that the measures implementing Article 16.10.3(a) and (b) will operate together in such a manner as to prevent approval of a pharmaceutical product to enter the market during the term of a patent in the territory of that Party as set out in that Article.

I would be grateful if you would confirm that your Government shares these understandings.

Sincerely,



John K. Veroneau

*Following amendments to the Agreement dated June 28, 2007, paragraph 2 of this letter no longer has legal effect.