

Subject to Legal Review for Accuracy, Clarity, and Consistency
Subject to Authentication of English and Spanish Versions
Draft 8 May 2006

[DATE]

The Honorable Jorge Humberto Botero
Ministro de Comercio, Industria y Turismo
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 understanding reached by the Governments of the Republic of Colombia and the United States of America in relation to Chapter Sixteen (Intellectual Property Rights) of the Agreement:

With respect to the obligation set out in Article 16.7.9, if, at any time more than two years after the date of entry into force of the Agreement, it is the considered opinion of either Party that there has been a significant change in the reliability, robustness, implementability, and practical availability of technology to effectively limit the reception of Internet retransmission to users located in a specified geographic market area, that Party may request, and the other Party agrees to enter into, consultations to review the continued applicability of the obligation set out in Article 16.7.9 and whether, in light of technological and other relevant developments, it should be modified, which agreement shall not be unreasonably withheld.

I would be grateful if you would confirm that your Government shares this understanding.

Sincerely,

Robert J. Portman

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[Courtesy Translation]

April 12, 2006

The Honorable Robert J. Portman
United States Trade Representative
Washington, DC

Dear Ambassador Portman:

I have the honor to acknowledge receipt of your letter of this date, which reads as follows:

“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 understanding reached by the Governments of the Republic of Colombia and the United States of America in relation to Chapter Sixteen (Intellectual Property Rights) of the Agreement:

With respect to the obligation set out in Article 16.7.9, if, at any time more than two years after the entry into force of the Agreement, it is the considered opinion of either Party that there has been a significant change in the reliability, robustness, implementability, and practical availability of technology to effectively limit the reception of Internet retransmission to users located in a specified geographic market area, that Party may request, and the other Party agrees to enter into, consultations to review the continued applicability of the obligation set out in Article 16.7.9 and whether, in light of technological and other relevant developments, it should be modified, which agreement shall not be unreasonably withheld.

I would be grateful if you would confirm that your Government shares this understanding.”

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

Sincerely,

Jorge Humberto Botero