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April 8, 2011

The Honorable Kevin Brady  
Chairman  
Subcommittee on Trade  
Ways and Means Committee  
1102 Longworth House Office Building  
Washington D.C. 20515

Dear Chairman Brady,

Re: US-Colombia Free trade Agreement

The International Trademark Association (INTA) wishes to express its support for the prompt approval of the pending Free Trade Agreement (FTA) with Colombia. Consistent with practice in the United States and in many other countries worldwide, the Colombia FTA includes important measures that will enable the more efficient protection of trademarks, which are key intellectual property assets to United States businesses. Congressional approval of this agreement would be significant for trademark owners as the FTA includes important requirements for Colombia such as adherence to the Madrid Protocol and ending mandatory recordation of trademark licenses.

INTA is a 133-year-old not-for-profit membership association of more than 5,700 trademark owners and professionals, from more than 190 countries, dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective national and international commerce. INTA members share the common interest in the protection and development of trademark law and rely on INTA to represent their trademark interests in government affairs and to help promote those interests throughout the international community.

Following the accession by the United States to the Madrid Protocol in 2003, INTA intensified its advocacy for the adoption of the Madrid Protocol by Latin American countries. Although there are presently 83 contracting parties to the Madrid Protocol, only one Latin American country is a member. The Madrid Protocol is significant because it provides companies with the ability to simplify and increase their trademark protection by filing a single application in one language with a single set of fees. The Colombia FTA requires Colombia to ratify or accede to

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the Madrid Protocol by January 1, 2009. In anticipation of the U.S. Congress' approval of the FTA, the Colombian government is currently in the process of passing legislation that would allow Colombia to accede to the Protocol. Colombia's membership to the Madrid Protocol would greatly benefit both American companies doing business in Colombia and Colombian exporters who want to protect their trademarks abroad with greater efficiency and minimal cost.

Another challenge faced by trademark owners doing business in Colombia is its burdensome license recordation requirement. Compliance with mandatory recordation is costly not only to small businesses but to larger companies with expanding product lines and multiple licenses. Failure to follow the procedures of recordation can result in the loss of substantive trademark rights. The Colombia FTA specifically includes a provision that eliminates the recordation requirement for trademark licenses as a prerequisite for establishing license validity or asserting any trademark rights.

In sum, one of the main objectives of the Colombia FTA is to strengthen intellectual property protection. With its implementation, trademark registration procedures in Colombia would be streamlined and harmonized. Trademark owners, especially those working with limited budgets, would benefit from a simplified and standardized trademark system. The prompt approval by Congress of the Colombia FTA is crucial to advancing the protection of trademarks. Therefore we respectfully urge the committee to act favorably on the measure.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Gerhard Bauer".

Gerhard Bauer  
President

