



International Trademark Association  
Representing the Trademark Community since 1878

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DG MARKT - A2  
European Commission  
Brussels

Brussels, September 17<sup>th</sup> 2007

*By e-mail*

Re. Free Trade Agreement negotiations EU- Central America / Madrid Protocol.

Dear Marianne Gumaelius,

I had the pleasure of meeting you at the INTA dinner held at the Museum Brasserie in Brussels on June 4, 2007.

In my capacity as Treasurer of the International Trademark Association (INTA), I would like to express the Association's support for the EU's negotiations on a Free Trade Agreement (FTA) with Central America and with this, the efforts to advance the protection of intellectual property rights in the region.

As part of the association's aim to increase further harmonization in trademark practices and procedures in countries in Latin America, in 2006 INTA initiated a series of visits to Central America to promote the Madrid Protocol (MP). We take this opportunity to share our findings with you and would also like to put forward, in the context of the EU-Central America negotiations, the inclusion of provisions integral to improving trademark rights, specifically, accession to this Protocol.

Our first visit was to El Salvador in 2006 and in 2007 we went to Guatemala and Nicaragua, where we met with government authorities, representatives from Chambers of Commerce and members of the legal community. We found wide recognition from the government sector of the role that intellectual property plays and its contribution to economic development, at a time clearly critical, as they make efforts to implement intellectual property provisions derived from the US-Central America Free Trade Agreement, CAFTA.

Our programme also included educational seminars to explain the benefits of the Madrid Protocol. These seminars opened the way for discussions and helped air some of the concerns of the legal community in particular that accession to the Protocol would violate national sovereignty and that the poor infrastructure of the trademark offices are an impediment to accession.

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We take the view, however, that such concerns are based on misconceptions and focused the discussion in underling the advantages, both economic and in terms of simplification of procedures.

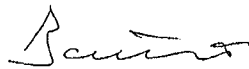
The statistics displayed were an eye opener to the business sector, showing that the Madrid Protocol is increasingly being used as an alternative tool for trademark owners –national and international- willing to bring their products to global markets. For the government, the Protocol also became attractive as it perfectly coexists with existing national systems and is in line with the national economic and industrial policies to attract foreign investment and increase exports. The main opposition clearly stems from a small number of private law firms, who fear losing revenues from the registration of trademarks at home.

By now we trust that we have contributed to increasing the understanding of the advantages and the functionality of the system under the Protocol in these countries.

As you are aware, the European Union joined the Madrid Protocol in 2004, joining some 61 countries around the world that reap the benefits from enabling brand owners to use this simplified international filing system. We believe that in the context of trade negotiations between the EU and Central America, it gives the trademark community an opportunity to propose language for specific date by which ratification or accession must occur, instead of a “best efforts” clause.

We hope you will find our points of views helpful as the EU negotiates with Central America and would be happy to assist you in any possible manner in this regard. Should you have any questions regarding our submission, please contact Ms. Laura Cruz, INTA's External Relations Coordinator, Latin America at +1 212 642 1740, at [lcruz@inta.org](mailto:lcruz@inta.org), or our Europe Representative, Mrs. Christina Sleszynska at + 32 2 517 6103, at [csleszynska@inta.org](mailto:csleszynska@inta.org).

Again, on behalf of INTA, I thank you for considering our views.



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