

UNCLASSIFIED

ER9

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1997SANTO04818

Page: 1
RELEASED IN FULL
Channel: n/a

PTQ1536

[REDACTED] CONFIDENTIAL

PTQ1536

PAGE 01 SANTO 04818 291958Z
ACTION STR-00

INFO	LOG-00	ACDA-08	ACDE-00	AGRE-00	AID-00	ARA-01	CEA-01
	CIAE-00	CTME-00	OASY-00	DINT-00	DODE-00	DOTE-00	SRPP-00
	EB-00	EXIM-01	E-00	FRB-00	H-01	TEDE-00	INR-00
	IO-00	ITC-01	LAB-01	LOC-01	L-01	ADS-00	NSAE-00
	NSCE-00	OIC-02	OMB-01	OPIC-01	PA-00	PRS-00	CIO-00
	SP-00	SSO-00	SS-00	TRSE-00	USIE-00	DRL-09	G-00
	/029W						

-----DF7DFE 291958Z /38

R 291852Z AUG 97
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6778
USDOC WASHDC 0345
INFO AMEMBASSY KINGSTON
AMEMBASSY PORT AU PRINCE
USMISSION GENEVA

[REDACTED] SANTO DOMINGO 004818

USDOC FOR THE US PATENT AND TRADEMARK OFFICE
DEPARTMENT PASS USTR
US MISSION GENEVA FOR USTR

E.O. 12958: DECL: 01/01/10
TAGS: KIPR, ETRD, DR
SUBJECT: STILL KEEPING THE FLAME ALIVE

REF: A. STATE 144858, B. STATE 144865, C. SANTO
[REDACTED]

[REDACTED] CONFIDENTIAL

Current Class: [REDACTED]

Page: 1

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SAM A. MOSKOWITZ
DATE/CASE ID: 9 FEB 2001 200000002

UNCLASSIFIED

UNCLASSIFIED

Current Class: ~~CONFIDENTIAL~~
Current Handling: n/a
Document Number: 1997SANTO04818

Page: 2
Channel: n/a

PAGE 02 SANTO 04818 291958Z
DOMINGO 3588

CLASSIFIED BY: DONNA J. HRINAK, AMBASSADOR, REASON FOR
CLASSIFICATION: 1.5D

1. (U) POST APPRECIATES ATTENTION GIVEN TO SANTO
DOMINGO 3588. WITH RESPECT TO A VISIT BY A WASHINGTON
AGENCY WE WOULD PREFER THE VISIT TO FOCUS ON BRINGING
THE DR INTO COMPLIANCE WITH THE URUGUAY ROUND AGREEMENT
ON INTELLECTUAL PROPERTY.

2. (C) SEPTTEL REPORTS ON THE STATUS OF THE IPR
LEGISLATION NOW UNDER CONSIDERATION AND THE
AMBASSADOR'S INTENT TO CALL ON THE SECRETARIES OF
HEALTH AND INDUSTRY AND COMMERCE ON THIS ISSUE. AS
WASHINGTON AGENCIES ARE AWARE, IN JUNE THE GODR SENT
DRAFTS TO DOMINICAN REPRESENTATIVES OF FOREIGN AND
DOMESTIC FIRMS WITH AN IMPOSSIBLY SHORT DEADLINE FOR
COMMENT. THE EMBASSY WON A SHORT POSTPONEMENT OF THE
DEADLINE AND ASSURANCES THAT COMMENTS WHICH ARRIVED
AFTER THE DEADLINE WOULD BE CONSIDERED IN ANY EVENT. A
REPRESENTATIVE OF EFID, THE TRADE ASSOCIATION WHICH
REPRESENTS U.S. AND OTHER MULTINATIONAL PHARMACEUTICAL
COMPANIES IN THE DR, RECENTLY HEARD SECRETARY OF
INDUSTRY AND COMMERCE BONETTI REMARK THAT COMMENTS HAD
STILL NOT BEEN RECEIVED FROM ALL ASSOCIATIONS.

3. (C) EVEN IF THE LAW IS SUBMITTED TO THE CONGRESS,
MUCH DOMINICAN LEGISLATION GOES TO CONGRESS AND
LANGUISHES THERE FOR YEARS. THIS MAY BE THE FATE OF A
LAW ON INTELLECTUAL PROPERTY THAT DOES NOT REFLECT A
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTO 04818 291958Z
COMMON INDUSTRY CONSENSUS ALTHOUGH THE SUPPORT OF
INFADOMI, THE ASSOCIATION REPRESENTING THE
HARMACEUTICAL PIRATES, MAY SERVE AS IMPULSE ENOUGH
THE ADMINISTRATION MOREOVER SEEMS INSISTENT ON
INCLUDING IPR LEGISLATION IN A BROADER BILL WHICH WOULD
INCLUDE OTHER ASPECTS OF COMMERCIAL LAW ALMOST AS

Current Class: ~~CONFIDENTIAL~~

Page: 2

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1997SANTO04818

Page: 3
Channel: n/a

CONTENTIOUS AS IPR. ALTHOUGH WE UNDERSTAND THE DESIRE OF THE GODR TO CLEAN UP THE COMMERCIAL LAW CODE SYSTEMATICALLY, THIS COULD DELAY ACTION ON AN IPR LAW FOR YEARS.

4. (C) MORE IMPORTANT THAN THE LAW AT THIS POINT IS THE BROADER ISSUE OF URUGUAY ROUND IMPLEMENTATION IN A VARIETY OF AREAS. THE LACK OF IMPLEMENTATION OF THE TRIPS AGREEMENT IS OF PARTICULAR COMMERCIAL IMPORTANCE. FOR THE FIRST TIME, IN THE MEETING REPORTED SEPTEL, THE EFID REPRESENTATIVES CITED A DOLLAR FIGURE FOR THEIR LOSSES, SPECULATING THEY REACH \$US50 MILLION A YEAR. IN THE AREA OF CABLE PIRACY, THE SITUATION HAS IMPROVED. IN THE SOFTWARE AREA, THE SITUATION REMAINS GRIM ALTHOUGH RECENT SEIZURES OF PIRATED SOFTWARE FROM VENDORS MAY HAVE SOME DETERRENT EFFECT.

5. (C) GIVEN THE ABOVE, WE THINK A VISIT OF SOMEONE COMPETENT TO DISCUSS THE ROLE OF PATENT PROTECTION IN ENHANCING DEVELOPMENT, TRIPS REQUIREMENTS, AND POTENTIAL SANCTIONS FOR THOSE WTO MEMBERS WHO FLOUT THE TRIPS AGREEMENT WOULD BE AN IMPORTANT PART OF KEEPING THE FLAME ALIVE. IT WOULD BE BEST TO FOCUS ON IPR LAWS DIRECTLY. INVESTMENT CONTINUES TO FLOW TO THE DR DESPITE ITS POOR RECORD IN WTO IMPLEMENTATION. SOME OF

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 SANTO 04818 291958Z
THAT INVESTMENT IS IN THE TELECOMMUNICATIONS SECTOR AND IN ADVANCED TECHNOLOGY WHICH DEPEND A GREAT DEAL ON PROTECTION OF INTELLECTUAL PROPERTY, MAKING IT DIFFICULT TO PERSUADE GODR OFFICIALS THAT BETTER PROTECTION WOULD RESULT IN GREATER INVESTMENT FLOWS (EXAMPLE: A DR PIRATE IS ABUSING THE TRADEMARKS OF MONTE CRITO AND COHIBA CIGARS, BUT THE CIGAR INDUSTRY IS GROWING RAPIDLY WITH FOREIGN AND DOMESTIC INVESTMENT IN RESPONSE TO THE BOOMLET IN THE U.S. DESPITE THE FAILURE TO ENFORCE TRADEMARK LAWS).

6. (U) IN HER UPCOMING CALL ON SECRETARY OF INDUSTRY AND COMMERCE BONETTI THE AMBASSADOR WILL MAKE THE

Current Class: CO [REDACTED]

Page: 3

UNCLASSIFIED

UNCLASSIFIED

Current Class: ~~CONFIDENTIAL~~
Current Handling: n/a
Document Number: 1997SANTO04818

Page: 4

Channel: n/a

SUGGESTION THAT THE GODR ALSO CONSULT WITH
REPRESENTATIVES FROM SIECA AS PROPOSED REFTTEL B. THE
TALKING POINTS PROPOSED REFTTEL A WILL ALSO BE USED IN
HER CALL. HRINAK

NNNN

Current Class: ~~CONFIDENTIAL~~

Page: 4

UNCLASSIFIED