

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Wines annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

A. Letter from the Community

Brussels,

Sir,

I have the honour to refer to meetings of the Joint Committee established in accordance with Article 30 of Annex V to the Association Agreement (the Agreement on Trade in Wines). The Joint Committee has recommended that modifications should be made to the Agreement on Trade in Wines (hereinafter referred to as Annex V), in order to take account of legislative developments since its adoption.

During the recent Joint Committee meeting held in Madrid on 13 to 14 June 2005 there was agreement on the need to amend not only the appendices but also the text of the Agreement in order to update it. I have therefore the honour to propose that Annex V be amended as indicated in the Appendix attached hereto, with effect as of the date of signature.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

Appendix

Annex V is hereby amended as follows:

1. in Article 5, paragraph 2 is replaced by the following:

'2. The names referred to in Article 6 shall be reserved exclusively for the products originating in the Party to which they apply.');

2. Article 7 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. On the basis of the Chilean trademark register as established on 10 June 2002, the trademarks listed in Appendix VI.A shall be cancelled within 12 years for use on the internal market and five years for use for export from the date of entry into force of this Agreement.');

(b) after paragraph 2, the following paragraph is inserted:

'2a. On the basis of the Chilean trademark register as established on 10 June 2002, trademarks listed in Appendix VI. B. are allowed under the conditions laid down in this Appendix, exclusively for use on the internal market and shall be cancelled within 12 years from the date of entry into force of this Agreement.');

3. Article 8 is amended as follows:

(a) paragraph 5(b) is replaced by the following:

'(b) where a traditional expression or complementary quality mention listed in Appendix III or IV is homonymous with the name of a wine originating outside the Parties, the latter name may be used to describe and present a wine only if such use is recognised in the internal legislation of the country of origin and does not constitute unfair competition and consumers are not misled as to the origin, nature or quality of the wine.');

(b) paragraph 5(c) is deleted;

4. Article 9 is amended as follows:

(a) point (a) is replaced by the following:

'(a) as regards wine originating in the Community, those listed in Appendix III.');

(b) point (b) is replaced by the following:

'(b) as regards wine originating in Chile, those listed in Appendix IV.');

5. Article 10 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Registration of a trademark for a wine in a Party which is identical with, or similar to, or contains a traditional expression or a complementary quality mention of the other Party listed in Appendix III or IV shall be refused insofar as that registration concerns use of that traditional expression or complementary quality mention to describe or present the category or categories of wine for which that traditional expression or complementary quality mention is listed in Appendix III or IV.');

(b) paragraph 2 is replaced by the following:

'2. By way of derogation from paragraph 1, refusal to register a trademark for a wine in a Party which is identical with, or similar to, or contains a traditional expression or a complementary quality mention of that Party listed in Appendix III or IV shall not be obligatory if that registration concerns use of that traditional expression or complementary quality mention to describe or present the category or categories of wine for which it is listed in Appendix III or IV.');

(c) paragraph 3 is deleted;

6. Article 11 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The Parties are not aware, on the basis of the Chilean trademark register as established on 10 June 2002, of any trademarks other than those referred to in Article 7(2) and (2a) and Article 10(4) which are identical with, or similar to, or contain the geographical indications or traditional expressions or complementary quality mentions referred to in Articles 6 and 10, respectively.;

(b) paragraph 2 is replaced by the following:

'2. Pursuant to paragraph 1, neither Party shall deny the right to use a trademark contained in the Chilean trademark register on 10 June 2002, other than those referred to in Articles 7(2) and (2a) and Article 10(4), on the basis that such a trademark is identical or similar to, or contains a geographical indication listed in Appendix I or II or a traditional expression or complementary quality mention listed in Appendix III or IV.;

7. Article 30(3) is replaced by the following:

'3. In particular, the Joint Committee may make recommendations in furtherance of the objectives of this Agreement. It shall be conducted in accordance with the Rules of Procedure for the Special Committees.'

B. *Letter from the Republic of Chile*

Santiago de Chile/Brussels,

Madam,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to meetings of the Joint Committee established in accordance with Article 30 of Annex V to the Association Agreement (the Agreement on Trade in Wines). The Joint Committee has recommended that modifications should be made to the Agreement on Trade in Wines (hereinafter referred to as Annex V), in order to take account of legislative developments since its adoption.

During the recent Joint Committee meeting held in Madrid on 13 to 14 June 2005 there was agreement on the need to amend not only the appendices but also the text of the Agreement in order to update it. I have therefore the honour to propose that Annex V be amended as indicated in the Appendix attached hereto, with effect as of the date of signature.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.'

I have the honour to inform you that the Republic of Chile is in agreement with the content of this letter.

Please accept, Madam, the assurance of my highest consideration.

For the Republic of Chile
