

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

April 12, 2006

The Honorable Alfredo Ferrero Diez Canseco
Minister of Foreign Trade and Tourism
Lima, Peru

Dear Minister Ferrero:

In connection with the signing on this date of the United States – Peru Trade Promotion Agreement (the “Agreement”), I have the honor to confirm the following understanding reached by the Governments of the Republic of Peru 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