

October 9, 2015

Proposed CA Side Letter on Distinctive Products

Dear :

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (“the Agreement”), I have the honour to confirm the following understanding reached by the Governments of Vietnam and Canada regarding Canadian Whisky and Canadian Rye Whisky:

1. Vietnam shall recognize Canadian Whisky and Canadian Rye Whisky as distinctive products of Canada. Accordingly, Vietnam shall, pursuant to its laws and regulations on unfair competition, not permit the sale of any product as Canadian Whisky or Canadian Rye Whisky if it has not been manufactured in Canada in accordance with the laws and regulations of Canada governing the manufacture of Canadian Whisky and Canadian Rye Whisky.
2. Canada shall promptly notify Vietnam of its existing laws and regulations governing the manufacture of Canadian Whisky or Canadian Rye Whisky and of any modifications it makes to those laws and regulations thereafter.
3. For greater certainty, nothing in this letter shall be construed to create or confer any right relating to a trademark, certification mark, or geographical indication.

I have the honour to propose that this letter and your letter in reply, equally valid in English, French and Vietnamese, confirming that your Government shares this understanding shall constitute an understanding between our two Governments.

Yours sincerely,

Derived From: Classification Guidance dated March 4, 2010

Reason: 1.4(b)

Declassify on: Four years from entry into force of the TPP agreement, if no agreement enters into force, four years from the close of the negotiations.

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