

FEB-01-2002 09:36

EXECUTIVE OFC OF GOVERNOR

850 922 4292 P.02

Kathleen Shanahan

Bruce Slager

From: Jeb Bush [jeb@jeb.org]
Sent: Wednesday, January 09, 2002 7:53 PM
To: Kathleen Shanahan (E-mail); Arlene Dibenigno (E-mail)
Subject: FW: BACARDI NEEDS HELP

Nina 2/1/02

for our discussion.

Jeb Bush

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

-----Original Message-----

From: J Rodriguez-Marquez (mailto:jrodriguez-marquez@bacardi.com)
Sent: Tuesday, January 08, 2002 9:16 PM
To: Jeb Bush
Subject: BACARDI NEEDS HELP
Importance: High

Dear Jeb,
As you know Castro in partnership with Pernod, a French company, has been fighting Bacardi since 1996 over the Havana Club brand rights inside the US. Bacardi prevailed in Federal Court regarding the dispute. We also prevailed in Federal Appellate Court, and then the US Supreme Court refused to review the case.

The aggressors, unsatisfied with the end results, created an international dispute between the European Union and the US over a US law (Section 211) which they blamed for their repeated defeats in US courts. The EU filed a complaint at WTO against the US law. Last week the WTO ruled in favor of the US and Bacardi. This law prohibits recognizing rights in the US to any illegally confiscated trademarks in Cuba.

This should be the end of the line for Castro and Pernod on this issue. However, since 1997 there are two very relevant and significant issues which are still unresolved and are damaging to Bacardi.

ISSUS #1

The US Treasury Department's Office of Foreign Asset Control (OFAC) has been holding a pending license application from Havana Club Holdings (Castro-Pernod) which could grant them some rights to the HC brand. If that license is granted it will be contradicting current US law, plus it will be undermining the Federal Court rulings. We have worked with OFAC and with Under Secretary of State Alan Larson for over three years to have this pending license application denied but to

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ISSUE #2

The US Department of Commerce's Patent and Trademark Office (PTO) has in hand since 1997 a Federal Court Mandate instructing them to erase from their records the Havana Club Holdings (Castro and Pernod) registration to the Havana Club brand. Because of the multiple appeals PTO withheld action. But since the US Supreme Court decision in October of 2000 (15 months ago), they have found every excuse not to act on that court mandate. We have been working with PTO and also with Alan Larson on this issue too, but so far, nothing.

We need your help. Perhaps we should meet with Secretary O'Neil and Secretary Evans, or whomever you think might be helpful. I have mentioned this case to Kelley McCullough from Karl Rove's office last December 8th when they visited Miami and have sent her briefings. Al Cardenas also knows of our needs and has talk to some people.

I hope you can help us. We are asking that current laws be respected (issue #1) and that a Federal Court order is complied with (issue#2). Thanks for your time, I am sure you don't have much available. Best regards,

Jorge

1.1. Dulles -

- find out about why lawyers have not taken orders.
- Court must say Cuba Export - Contested litigation
- transfer legitimate due to OFAC - OFAC
- application memorial in Cuba - not proper manner - need to reconstitute a council/ration
- should be a landmark case