

Slater Bayliss

From: Jeb Bush
 Sent: Wednesday, January 09, 2002 10:37 AM
 To: 'J Rodriguez-Marquez'
 Subject: RE: BACARDI NEEDS HELP

Jorge, I will see what I can do.

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.

ISSUE #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 denying 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 no avail.

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.