

Memorandum of Understanding
Between
Summit of the Americas Center (SOAC)
at the Latin American and Caribbean Center (LACC)
Florida International University (FIU)
and
Center for Economic Studies and International Trade (“INTEGRAL”),

Project Title:

Trade and Intellectual Property Rights Capacity Building Program

I. Relationships

- A.** Since the May 2000 signature of a Memorandum of Understanding between SOAC/LACC/FIU and the Center for Economic Studies and International Trade (“INTEGRAL”), both institutions have maintained a joint relationship collaborating in the development and marketing of training and technical assistance products and services in the field of international trade. Principals of INTEGRAL have been appointed FIU Senior Research Associates, and SOAC/LACC/FIU and INTEGRAL have maintained a continual joint approach to opportunities and activities arising by reason of their respective professional contacts and relations.
- B.** In that context, the SOAC/INTEGRAL have conducted trade capacity building outreach activities to and within Latin America, the centerpiece of which has been its intensive International Trade Negotiation Skills Course, presented in Spanish in Miami and selected Latin American venues. The training uses case studies and role-playing exercises involving simulated trade negotiations based on actual prior events to train public and private sector representatives in practical international trade negotiating skills.
- C.** SOAC/INTEGRAL have successfully delivered eight International Trade Negotiations Skills Courses in Miami in the past five years, and ten more country-specific tailored trade courses in the Dominican Republic in 2002 and Bolivia in 2004 and 2005. The institutions have conferred 432 certificates of completion upon 355 participants from 20 countries.

II. Background

At the 1995 advent of the WTO after the Uruguay Round of trade negotiations, most WTO member countries also signed the WTO Agreement on Trade Related Aspects of Intellectual Property (TRIPS). Eleven years later, the IPR terrain in trade agreements – old and new - remains unsettled. Within the WTO’s current

Doha Round, Intellectual Property Rights (IPR) protection is among the most critical and contentious issues in current international and regional trade negotiations worldwide.

Active controversies now swirl through this hemisphere and beyond over TRIPS compliance and enforcement. At the same time, a determined developed country push to expand IPR protections beyond TRIPS - and a corresponding pushback by developing countries - has added contentious new issues. Knotty legal issues are conjoined with socially sensitive questions of public health, technology transfer, and poverty. Commercial and economic interests collide with intensely political, nationalist and ideological sentiments.

In this context, the Summit of the Americas Center (SOAC) at the Latin American and Caribbean Center (LACC) of Florida International University (FIU) and the Center for Studies on Economic Integration and International Trade (INTEGRAL), have decided to develop a Trade and Intellectual Property Capacity Building Program (TIPCBP).

The purpose of this Memorandum of Understanding is to set out the accords between the Summit of the Americas Center (SOAC) and the Center of Studies on Economic Integration and International Trade (INTEGRAL) with respect to their joint efforts to research opportunities and obtain and carry out technical activities and consulting work under the above-referenced TIPCBP.

III. The Program (TIPCBP)

Therefore, both institutions agree to collaborate in accordance with the terms stated below:

1. To develop a Trade and Intellectual Property Rights Capacity Building Program (TIPCBP) focused in three main areas of work:

1.1. - Research and studies on contentious and important Intellectual Property Rights issues related to the negotiation of trade agreements and the fostering of economic development.

1.2. - Development of trade capacity building outreach efforts in the field of national implementation of IPR commitments, including training and technical assistance programs.

1.3 - Organization of a continuing conference and seminars series to disseminate research results and contribute to innovative discussion and resolution of IPR issues.

2. To create a Joint Working Group (JWG) on Trade and Intellectual Property Rights to execute this Program with the aim of following the evolution of this

field and seeking to create opportunities for reflection that will convene representatives of international organizations, governments, the private sector, trade associations, non-government organizations, legal experts and academics.

2.1. The JWG will be directed jointly by Carl A. Cirra for SOAC/LACC/FIU and Rodolfo Rúa Boiero for INTEGRAL.

2.2. The JWG resultant activities will be coordinated by Elisa N. Gallo and Hannibal Travis for SOAC/LACC/FIU and Liliana Otero and Norma Felix for INTEGRAL.

2.3. As an element of the foregoing joint relationship, SOAC/LACC/FIU and INTEGRAL will collaborate equitably in the development of the program of activities and the assembly of the roster of consultants to carry it out.

2.4. INTEGRAL shall have primary responsibility for developing the individual components of the Program and will outline its working plan, in consultation with SOAC/LACC/FIU.

3. To implement individual components and activities of the TIPCBP, FIU/INTEGRAL will seek Cooperation Agreements with interested entities.

3.1. INTEGRAL will be entitled to represent SOAC/LACC/FIU as its associate in initial drafting and negotiating of program-related Cooperation Agreements with International Organizations, Government Representatives, Trade Associations, Private Sector Representatives and Academia of Latin American countries that foster TIPCBP development as well as seeking funds for its fulfillment, subject to the approved working plan.

3.2. Final commitment and approval of any such prospective Cooperation Agreement will remain the exclusive right of Florida International University as the ultimate contracting entity.

IV. Program Funding

1. The TIPCBP will be developed according to a four-year budget prepared jointly by both institutions. The realization of all joint activities will be based on a specific agreement pertaining to each such activity, in which the terms of cooperation will be outlined according to the activity specific budget.

2. Both institutions will make their best efforts to procure funding for the completion of TIPCBP activities.

3. In order to execute the Program budget according to FIU rules and procedures, SOAC/LACC/FIU will develop a Standard Operating Procedure in which both institutions can operate.

V. INTEGRAL's Role

1. SOAC/LACC/FIU recognizes and expects that INTEGRAL will play both a substantive and a functional role in the execution of any tasks or contract(s) resulting from the sponsorship by third parties or a successful bid of any part of the Program.
2. INTEGRAL will have first right over any other institution, if any, in providing relevant technical assistance and experts in response to task orders or other work assignments. Such right will not preclude FIU's own prerogative to directly engage or assign appropriate experts for such assignments.
3. SOAC/LACC/FIU agrees that INTEGRAL's main areas of responsibility will include:
 - 3.1 Principal responsibility for planning of short term focused training and conferences.
 - 3.2 Provision of and arranging for the services of appropriate experts from the INTEGRAL Roster of associated consultants.
 - 3.3 Provision of international trade and IPR expertise and other intellectual resources and inputs for the design and implementation of specific project activities as required.

VI. Exclusive Agreement

INTEGRAL further agrees not to be included on any other potential proposal in response to any specific RFP or solicitation on IPR unless SOAC/LACC/FIU notifies INTEGRAL in writing that it will not submit a bid for that specific project.

Summit of the Americas Center – FIU

**Center of Studies on Economic
Integration and International
Trade (INTEGRAL)**

**By: Carl A. Cira
Director**

**By: Rodolfo Rúa Boiero
President**

Signature 

Signature 

Date: March 2006

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