

DRAFT
Subject to Legal Review for Accuracy, Clarity, and Consistency
April 9, 2004

1. The Dominican Republic reaffirms its commitments under Chapter 15 to the application of administrative, civil, and criminal procedures and remedies in the case of broadcast or cable transmissions or retransmissions that are made without the authorization of the right holder or right holders of the content of the signal and, if any, of the signal.

2. The Dominican Republic shall provide that procedures and remedies are set forth for the temporary suspension of concessions and/or operating licenses for broadcast or cable transmissions or retransmissions in cases where the National Copyright Office (ONDA) or other competent authorities determine that transmissions or retransmissions that are the subject of the concession and/or operating license have been made without the permission of the right holder or right holders of the content of the signal and, if any, of the signal. Such procedures shall conform to the requirements of Article 15.11 applicable to administrative enforcement, and shall include:
 - (a) an opportunity for right holders to make written requests to ONDA or other competent authorities for the temporary or permanent closure of establishments transmitting the unauthorized broadcast or cable transmissions (pursuant to Article 187 of the 2000 Copyright Law, Law Number 65-00, as implemented by Articles 116.4 and 116.5 of Regulation Number 362-01), or for other sanctions available under national law, and to submit evidence in support of such requests;
 - (b) establishment of a permanent cooperation mechanism to ensure that ONDA or other competent authorities may call upon resources of the Dominican Telecommunications Institute (INDOTEL) and law enforcement authorities to the extent necessary to investigate and conduct inspections concerning such a request;
 - (c) a requirement that holders of such concessions and/or operating licenses cooperate with ONDA or other competent authorities so that investigations and inspections concerning such a request can take place without delay, including providing access to all documents relating to the transmissions or retransmissions; and
 - (d) a requirement that an administrative decision concerning such a request be rendered expeditiously and not later than 60 days following the date of the application. Such decisions shall be in writing and shall state the reasons upon which they are based. Any closure shall become effective immediately following a decision requiring such closure. Temporary closure shall continue in effect for up to 30 days. Failure to cease transmission or retransmission following closure shall be considered a violation classified under Article 105(d) of the by General Telecommunications Law No. 153-98 and shall be subject to all available sanctions authorized by that Law.

The Dominican Republic shall further provide that ONDA or other competent authorities may initiate procedures for the temporary or permanent closure of establishments transmitting the unauthorized broadcast or cable transmissions and other sanctions available under national law *ex officio*, without the need for a written request from a private party or right holder.

3. The Dominican Republic shall provide that ONDA and other competent authorities shall have sufficient resources to carry out the actions described in paragraph 2 above, and hereby reaffirms its obligations under Article 15.11.2(b).

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4. In addition to actions by ONDA or other competent authorities, INDOTEL shall exercise the powers conferred on it by the General Telecommunications Law No. 153-98 to address copyright infringement in appropriate cases, consistent with the INDOTEL Resolution of January 30, 2004, sanctioning holders of cable transmission service authorizations who transmitted signals containing protected works or retransmitted signals issued by the entity originating the transmission without due authorization. The Dominican Republic recognizes that sanctions beyond those stated in the INDOTEL Resolution of January 30, 2004, will be necessary if previous sanctions have been ineffective in eliminating the problem.

5. The Dominican Republic agrees to continue providing quarterly reporting of progress made in all cases involving television broadcasting piracy consistent with the understanding that was confirmed in the letter transmitted to the U.S. Trade Representative by the Secretary of Industry and Commerce of the Dominican Republic on [date].