

ECTA

European Communities Trade Mark Association

Please reply to :

Mr. Simon Reeves
c/o ECTA Secretariat
18-24 Rue des Colonies
BE - 1000 Brussels
Belgium

ecta@ecta.org

Mr. Renaud Sorieul
The Secretary
United Nations Commission on
International Trade Law
Vienna International Centre
P.O. Box 500
1400 Vienna
Austria

By E-Mail: uncitral@uncitral.org
and tijana.jovanovic@uncitral.org

Brussels, 20 May 2010

Dear Mr. Sorieul

Many thanks for your letter of 27 April addressed to me as President of the European Communities Trade Mark Association.

ECTA are very pleased to be involved with the discussions relating to the IP supplement to the UNCITRAL legislative guide on secured transactions.

We believe that the current draft of the supplement is a great step forward and we believe that it is, subject to the comment we make below, largely acceptable.

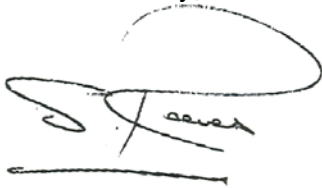
We are still concerned about the position concerning choice of law.

We understand that there is the so-called Germany/Canadian proposal, recommendation 248, option D. While this proposal is somewhat complicated, we believe that it would be acceptable, although if it were possible to make it more simplified that would be advantageous.

It is certainly true that one fundamental issue is that the law applicable to the effectiveness against third parties and priority of a security right in intellectual property as against other secured parties, transferees and licensees must be the law of the state in which the intellectual property is protected (lex protectionis).

We understand that there will be further discussion of the draft at the New York meeting and we look forward to being involved in those discussions.

Yours sincerely,



Simon Reeves
President