

# **U.S.-Cuba Trade and Economic Council, Inc.**

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## ***Rocket Docket For Cuba-Related Legislation?***

### **Bacardi Spent Wisely US\$690,000.00 Thus Far In 2023**

**How Did Cuba Trademark Legislation Designed To Protect Hamilton, Bermuda-Based Bacardi Limited Move Through United States House Of Representatives Absent Any Opposition From Members Who Have Advocated For An Expansion Of Commercial, Economic, Financial, And Political Relations Between The United States And The Republic Of Cuba?**

**Surprise Jarrold Nadler (D- 12<sup>th</sup> District, New York), Ranking Member Of The Judiciary Committee Of The United States House Of Representatives, Supported The Legislation Given His Previous Positions On Republic Of Cuba-Related Issues.**

**No Objections? Not One Member**

**Where Were Lobbyists And NGO's?**

**Bacardi North America Reports 2023 Thus Far Spending US\$570,000.00 On Various Issues And The Cormac Group LLC Reports Spending US\$120,000.00 Lobbying On Various Issues For Bacardi North America.**

**From Hamilton, Bermuda-Based Bacardi Limited (2022 Revenue Approximately US\$4.6 Billion) Through Coral Gables, Florida-Based Bacardi North America (Formerly Bacardi USA, Inc.) 2023 United States Congress Lobbying Reports. Lobbying Focuses Include:**

- *“Bacardi Limited, the ultimate parent of Bacardi North America, has an indirect general interest in U.S. trademark laws.”*
- *“HR 1505 and S 746, No Stolen Trademarks Honored in America Act, amending Section 211 of the Omnibus Appropriations Act of 1999 to protect the original owners of confiscated Cuban trademarks in America.”*
- *“Issues related to the economic embargo of Cuba.”*

**From Hamilton, Bermuda-Based Bacardi Limited (2022 Revenue Approximately US\$4.6 Billion) Through Coral Gables, Florida-Based Bacardi North America (Formerly Bacardi USA, Inc.) 2023 United States Congress Lobbying Reports By Washington DC-Based The Cormac Group, LLC Which References Up To Five Lobbyists Servicing Bacardi North America. Lobbying Focuses Include:**

- *“Cuban Trademark Protection Legislation and US-Cuba relations”*
- *“Cuban Trademark Protection Legislation and US-Cuba relations. H.R. 1505/S.746 - No Stolen Trademarks Honored in America Act.”*

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**Who Represents Paris, France-Based Pernod Ricard (2022 Revenue Approximately US\$11.6 Billion) To The United States Congress (United States Senate And United States House of Representatives)? From 2023 Lobbying Disclosures: ABI Associates, Arent Fox Schiff LLP, Ballard Partners, Brownstein Hyatt Farber Schreck LLP, Crossroads Strategies LLC, Ernst & Young LLP, And Miller Strategies LLC.**

**A Few Too Many Havana Club Mojito Cocktails... And Fell Asleep?**

**What May Happen In The United States Senate? Will Marco Rubio (R- Florida) Seek To Attach An Amendment To The New Farm Bill- As He Successfully Attached Republic Of Cuba-Related Amendment To Previous Farm Bill In 2018?**

- [Cuba Provision In Farm Bill A Confliction Of Accuracy By Senators Heitkamp & Rubio; OFAC Rule Making Could Be Problematic June 29, 2018](#)
- [Will Cuba FMD/MAP Provisions In 2018 Farm Bill Be Retained In 2023 Farm Bill? In Five Years, Only 4.4% Uses Of Programs. In 2018, Advocates Said "Important" Oct 26, 2023](#)

## U.S. House Of Representatives Legislation Background

5. [H.R.1505](#) — 118th Congress (2023-2024) No Stolen Trademarks Honored in America Act of 2023 **Sponsor:** [Issa, Darrell E. \[Rep.-R-CA-48\]](#) (Introduced 03/09/2023) **Cosponsors:** (18) **Committees:** House - Judiciary | Senate - Judiciary **Committee Report:** [H. Rept. 118-232](#) **Latest Action:** Senate - 11/14/2023 Received in the Senate and Read twice and referred to the Committee on the Judiciary. ([All Actions](#))

Date	Chamber	All Actions
11/14/2023	Senate	Received in the Senate and Read twice and referred to the Committee on the Judiciary.
11/13/2023-4:41pm	House	Motion to reconsider laid on the table Agreed to without objection.
11/13/2023-4:41pm	House	On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR <a href="#">H5676</a> )
11/13/2023-4:32pm	House	DEBATE - The House proceeded with forty minutes of debate on <a href="#">H.R. 1505</a> .
11/13/2023-4:32pm	House	Considered under suspension of the rules. (consideration: CR <a href="#">H5676-5677</a> )
11/13/2023-4:31pm	House	Mr. Issa moved to suspend the rules and pass the bill, as amended.
09/29/2023	House	Placed on the Union Calendar, Calendar No. 188.
09/29/2023	House	Reported (Amended) by the Committee on Judiciary. <a href="#">H. Rept. 118-232</a> .
05/24/2023	House	Ordered to be Reported (Amended) by Voice Vote. Action By: Committee on the Judiciary
05/24/2023	House	Committee Consideration and Mark-up Session Held Action By: Committee on the Judiciary
03/09/2023	House	Referred to the House Committee on the Judiciary.
03/09/2023	House	Introduced in House

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1. [PLEDGE OF ALLEGIANCE; Congressional Record Vol. 169, No. 187 | PDF \(257KB\)](#)
2. [COMMUNICATION FROM THE CLERK OF THE HOUSE; Congressional Record Vol. 169, No. 187 | PDF \(245KB\)](#)
3. [COMMUNICATION FROM CHIEF OF STAFF, THE HONORABLE NANCY PELOSI, MEMBER OF CONGRESS; Congressional Record Vol. 169, No. 187 | PDF \(245KB\)](#)
4. [RECESS; Congressional Record Vol. 169, No. 187 | PDF \(245KB\)](#)
5. [AFTER RECESS; Congressional Record Vol. 169, No. 187 | PDF \(245KB\)](#)
6. [ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE; Congressional Record Vol. 169, No. 187 | PDF \(245KB\)](#)
7. [NO STOLEN TRADEMARKS HONORED IN AMERICA ACT OF 2023; Congressional Record Vol. 169, No. 187 | PDF \(259KB\)](#)

<https://www.congress.gov/congressional-record/volume-169/issue-187/house-section/page/H5676>

[[Pages H5676-H5677](#)] From the Congressional Record Online through the Government Publishing Office [[www.gpo.gov](http://www.gpo.gov)]

## NO STOLEN TRADEMARKS HONORED IN AMERICA ACT OF 2023 13 November 2023

**Mr. ISSA.** Mr. Speaker, I move to suspend the rules and pass the bill ([H.R. 1505](#)) to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names, as amended. The Clerk read the title of the bill. The text of the bill is as follows: [H.R. 1505](#)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the "No Stolen Trademarks Honored in America Act of 2023".

### SEC. 2. MODIFICATION OF PROHIBITION.

Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277; 112 Stat. 2681- 88) is amended-- (1) in subsection (a)(2)-- (A) by inserting "or entity of the executive branch" after "U.S. court"; (B) by striking "by a designated national"; and (C) by inserting before the period "that was used in connection with a business or assets that were confiscated unless the original owner of the mark, trade name, or commercial name, or the bonafide successor-in-interest has expressly consented"; (2) in subsection (b)-- (A) by inserting "or entity of the executive branch" after "U.S. court"; and (B) by striking "by a designated national or its successor-in-interest"; (3) by redesignating subsection (d) as subsection (e); (4) by inserting after subsection (c) the following: "(d) Subsections (a)(2) and (b) of this section shall apply only if the person or entity asserting the rights knew or had reason to know at the time when the person or entity acquired the rights asserted that the mark, trade name, or commercial name was the same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were

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confiscated."; and (5) in subsection (e), as so redesignated, by striking "In this section:" and all that follows through "(2) The term" and inserting "In this section, the term".

**The SPEAKER pro tempore.** Pursuant to the rule, the gentleman from California (Mr. Issa) and the gentleman from New York (Mr. Nadler) each will control 20 minutes. The Chair recognizes the gentleman from California.

General Leave

**Mr. ISSA.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on [H.R. 1505](#).

**The SPEAKER pro tempore.** Is there objection to the request of the gentleman from California? There was no objection.

**Mr. ISSA.** Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, it is hard for the American people to believe, but it is true that foreign actors--foreign countries--have, in fact, stolen trademarks, absconded with the actual factories and the ability to produce various items and then had the gall to, in fact, use American law to sell America products that they in reality had already stolen. This is no more truer than in the case of the communist nation of Cuba. Under Fidel Castro, Cuba took everything. They took Coca-Cola. They took every possible item they could take, and then they took trade names. In some cases, like Coca-Cola, Coke continued to be produced in the United States, so it had no rights. In the case of Bacardi, Bacardi moved to Puerto Rico and began making it there and selling it in the United States. In the case of, for example, Havana Club, they found themselves without any factories, so they worked together with other producers to continue their brand. While their brand was, in fact, being produced in America, the Castro regime--and now the Cuban Government--continued to apply year after year until eventually, due to what we would consider to be a wrongful act by the United States Patent and Trademark Office, awarded this country, who had stolen and still to this day uses the factories and the lands belonging to the family that produced Havana Club, they continue to sell Havana Club. Now, to make matters worse, we are only talking about the United States because most of the world, in fact, took that brand name and was able to sell it in other countries. So the family that owned worldwide rights lost all but the United States, and if not for this piece of legislation, they and others would lose even their right here. I am delighted to join with my colleague, Ms. Wasserman Schultz of Florida, to introduce this bill. It has 17 cosponsors, and it passed through the Judiciary Committee on a bipartisan basis. We all agree that the U.S. Government should not award those who steal and exploit trademarks or any other intellectual property from its legitimate owners to then benefit from U.S. law. Allowing Cuba to propagate its misappropriations would be and is currently a travesty. Mr. Speaker, I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

**Mr. NADLER.** Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of [H.R. 1505](#), the No Stolen Trademarks Honored in America Act. [H.R. 1505](#) would build on existing law to ensure that executive agencies do not recognize, enforce, or otherwise validate the assertion of trademark rights used in connection with a business whose assets were confiscated by the Cuban regime unless the original owner expressly consented to the transfer of that mark. It also makes technical amendments to ensure that we are in compliance with certain international obligations. This legislation largely involves a long-running dispute over the rightful ownership of a specific trademark that has played out over the course of many decades. It is a tale with more twists and turns than a John Grisham novel. This bill is really about a much larger principle--that

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we stand with the Cuban people whose property was seized by the Castro regime, and we will not give the protection and benefits of the U.S. trademark system to the holders of stolen property. Our trademark system must not be allowed to be a vehicle for the perpetrators of stolen property to profit from their theft. I thank the gentleman from California (Mr. Issa) and the gentlewoman from Florida (Ms. Wasserman Schultz) for bringing this legislation forward. Mr. Speaker, I urge all Members to support it, and I reserve the balance of my time.

**Mr. ISSA.** Mr. Speaker, I reserve the balance of my time.

**Mr. NADLER.** Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. Wasserman Schultz), the cosponsor of this legislation.

**Ms. WASSERMAN SCHULTZ.** Mr. Speaker, I thank the gentleman for yielding and for his longstanding support of this important legislation that really reflects the values that we stand for here in the United States of America. I particularly thank the gentleman from California (Mr. Issa) for the back and forth--depending on who is in the majority in our Chamber in each successive Congress--as we sort of trade responsibility for who leads this bill. In addition, I have also previously co-lead this legislation with our former colleague, Congresswoman Ileana Ros-Lehtinen, and Mr. Diaz-Balart also joins us, as well. There is really broad bipartisan support for this bill, and I am so proud to lead this legislation on the Democratic side of the aisle. This legislation would ensure that our government is never complicit in theft and expropriation ordered by autocracies. By prohibiting U.S. recognition of illegally confiscated trademarks, this bill stands strongly against attempts by the Cuban regime to profit from hijacked intellectual property. Representing a diaspora community as I do, I have heard countless constituents recount how their home countries stripped them of hard-earned wealth. Many Cuban families had to start from scratch when they arrived. They had property and their businesses confiscated. Our Nation has benefited immeasurably from their cultural contributions and entrepreneurial spirit. We are not just a nation of immigrants. We are a nation of innovators. We should always reward creativity and punish piracy. Our most fundamental responsibility is protecting Americans and those living in our country from being victimized by our adversaries. Our failure to do so would only embolden global despots who seek to target their exiles. I hope my colleagues join us in refusing to tolerate trademarks being held hostage, as this one is in particular, and the many others that are held hostage by the Cuban regime and other regimes, as well. I am hopeful that our friends on the other side of the Capitol, once we send this bill to them, will send it to the President of the United States for his signature.

**Mr. ISSA.** Mr. Speaker, I reserve the balance of my time.

**Mr. NADLER.** Mr. Speaker, this legislation makes a minor clarification to our trademark laws while serving notice to corrupt regimes across the world that America's intellectual property system must not be used to further their efforts to steal property from their own people. Mr. Speaker, I urge all Members to support this bill, and I yield back the balance of my time.

**Mr. ISSA.** Mr. Speaker, in closing, I will make it very clear, if this product's trademark becomes available to its rightful owners again, the well-known company Bacardi will, in fact, have this product on the shelves again. If it is not passed, Cuba will not be able to sell under this name. In fact, these products would be prohibited if they came from Cuba. The only purpose of Cuba trying to take this was to deny Cuban Americans the ability to sell a product that they owned before it was taken from the country. There was an injustice that occurred before many in this room were born. We can only cure that injustice now by, in fact, passing this legislation. I join with the gentlewoman from Florida (Ms. Wasserman Schultz) in urging all to vote for this bill as they have

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in this body, and then we will work on the people across the dome. Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

**The SPEAKER pro tempore.** The question is on the motion offered by the gentleman from California (Mr. Issa) that the House suspend the rules and pass the bill, [H.R. 1505](#), as amended. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed. A motion to reconsider was laid on the table.

## U.S. Senate Legislation Background

**S. 746** was introduced on 9 March 2023 by **Robert Menendez** (D- New Jersey), then Chairman of the United States Senate Committee on Foreign Relations. S. 746 was referred to the United States Senate Committee on the Judiciary.

Co-sponsors include **Marco Rubio** (R- Florida), **Catherine Cortez Masto** (D- Nevada), **Mike Braun** (R- Indiana), **Thomas Tillis** (R- North Carolina), **Robert Marshall** (R- Kansas), **Mazie Hirono** (D- Hawaii), and **Todd Young** (R- Indiana).

Co-sponsors who are members of the United States Senate Committee on the Judiciary include: Senators Rubio, Hirono, and Tillis. **Ted Cruz** (R- Texas) is a member of the United States Senate Committee on the Judiciary and likely to co-sponsor S. 746.

*Senators Cruz, Menendez, and Rubio are of Cuban descent.*

The language in S. 746 is identical to the language in H.R. 1505, meaning a promising candidate for moving successfully through any bicameral (United States Senate and United States House of Representatives) conference committee.

## S. 746

“To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

IN THE SENATE OF THE UNITED STATES  
9 March 2023

Mr. Menendez (for himself, Mr. Rubio, Ms. Cortez Masto, Mr. Braun, Mr. Tillis, Mr. Marshall, Ms. Hirono, and Mr. Young) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

## A BILL

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Short title.

This Act may be cited as the “No Stolen Trademarks Honored in America Act”.

SEC. 2. Modification of prohibition.

## U.S.-Cuba Trade and Economic Council, Inc.

Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of [Public Law 105-277](#); 112 Stat. 2681-88) is amended— (1) in subsection (a)(2)— (A) by inserting “or entity of the executive branch” after “U.S. court”; (B) by striking “by a designated national”; and (C) by inserting before the period at the end the following: “that was used in connection with a business or assets that were confiscated unless the original owner of the mark, trade name, or commercial name, or the bona fide successor-in-interest has expressly consented”; (2) in subsection (b)— (A) by inserting “or entity of the executive branch” after “U.S. court”; and (B) by striking “by a designated national or its successor-in-interest”; (3) by redesignating subsection (d) as subsection (e); (4) by inserting after subsection (c) the following: “(d) Subsections (a)(2) and (b) of this section shall apply only if the person or entity asserting the rights knew or had reason to know at the time when the person or entity acquired the rights asserted that the mark, trade name, or commercial name was the same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were confiscated.”; and (5) in subsection (e), as so redesignated, by striking “In this section:” and all that follows through “(2) The term” and inserting the following: “In this section, the term”.

### Links To Related Analyses

[Bacardi Condemns Decisions By Government Of Cuba, And Companies Operating In Cuba, Robustly Uses U.S. Political Process, But Defends Its US\\$474 Million Business In Russian Federation. Consistency? Nov 18, 2023](#)

[The Kyiv Independent: Ukraine designates Bacardi as 'international sponsor of war' 10 August 2023](#)

[U.S. Federal Court Rules Bacardi Must Use USPTO Rules For "Havana Club" Trademark Issue. April 08, 2022](#)

[Eight Senators, Two Representatives Supporting Trademark Legislation To Benefit Bacardi. But, Does Legislation Help Resolve 5,913 Certified Claims Against Cuba? March 12, 2023](#)

[With Three Days Remaining In 2021, Bacardi Sues United States Patent And Trademark Office For In 2016 Authorizing The Registration Of "Havana Club" Rum December 29, 2021](#)

[Irony: Bacardi Assets Seized In 1960 By Cuba. Venezuela And Cuba Are Allies. Venezuela Seizes U.S. Company Assets. Bacardi Marketing Venezuela Rum Benefits Venezuela Financially & Politically November 03, 2021](#)