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On TPP: How a Georgia-Based Company's Experience in Mexico Highlights Need for Strong U.S. Company Protections

ATLANTA (July 27, 2015) — Trade ministers are in Hawaii this week to continue negotiations for the Trans-Pacific Partnership (TPP), which is being billed as a NAFTA-style agreement.

“While free trade is a gallant undertaking, the TPP framework produced from the Hawaii conference must also include strong customs enforcements and protections for United States companies,” said John Henderson, global director, Water and Environment, of Georgia-based [TenCate Geosynthetics Americas](http://www.tencate.com) (TenCate).

Consider an ongoing case in Mexico involving TenCate, a manufacturer of Geotube® Marine Structures that are used around the globe. In the TenCate case, Mexican officials required that materials for a breakwaters project be provided from a signatory country of NAFTA. TenCate, which manufactures textiles in the U.S., met all qualifications.

Another company, Alvarga, in conjunction with Constructora Manzanillo (COMSA), won the Mexican contract by offering to supply a product imported from China that, according to legal filings by TenCate with the Mexican patent office, is a direct copy of TenCate's patented technology.

As part of an ongoing patent infringement proceeding, TenCate, along with officials from the Mexican patent office, was allowed to visit the project site and obtain photos. Mexican patent officials even noted the materials onsite were identical to TenCate's. (Additional photos are available by request.)



The Mexican government has neglected to enforce trade agreements with the U.S and is allowing Chinese pirated products to be imported and used in a Mexican federal government project, in violation of TenCate Geosynthetics' patents.

Obviously, China is not a signatory of NAFTA. Although a violation of TenCate's Mexican patents, neither Alvarga nor Mexico's Ministry of Transportation and Communications (known in Mexico as the SCT) has appeared to consider TenCate's patents.

So what's a company left to do but hire legal counsel and start winding its way through the Mexican bureaucratic legal maze—which will take years. As a result, TenCate is weighing cutting U.S. manufacturing jobs because of the costs associated with the process.

“Despite our NAFTA agreement with neighbors like Mexico, American companies can still be at risk from Asian company practices,” added Henderson. “As this new effort with the TPP unfolds, those making critical decisions must take ultimate care to protect U.S. companies.”

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ABOUT TENCATE GEOSYNTHETICS:

[TenCate Geosynthetics](#) develops solutions and systems for transportation infrastructure, water management and cleaning and environmental applications, delivered through synthetic woven, nonwoven and knitted products. TenCate Geosynthetics has factories in North America, Europe and Asia.