

Annex J to the Convention – Intellectual property rights (Art. 19)

ARTICLE 1

Intellectual property

“Intellectual property” comprises in particular copyright, including computer programmes and databases, as well as neighbouring rights, trademarks for goods and services, geographical indications, including appellations of origin, for goods and services, industrial designs, patents, plant varieties, topographies of integrated circuits, as well as undisclosed information.

ARTICLE 2

International conventions

1. The Member States reaffirm their obligations set out in the international agreements to which they are parties, in particular the following multilateral agreements:

- WTO Agreement of 15 April 1994 on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement);
- Paris Convention of 20 March 1883 for the Protection of Industrial Property (Stockholm Act, 1967);
- Berne Convention of 9 September 1886 for the Protection of Literary and Artistic Works (Paris Act, 1971); and
- International Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention).

2. The Member States which are not parties to one or more of the agreements listed below shall undertake to obtain their adherence to the following multilateral agreements before 1 January 2005:

- the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs;
- the WIPO Copyright Treaty (Geneva 1996); and
- the WIPO Performances and Phonogram Treaty (Geneva 1996).

3. The Member States agree to promptly hold expert consultations, upon request of any Member State, on activities relating to the identified or to future international conventions on harmonization, administration and enforcement of intellectual property rights and on activities in international organizations, such as the WTO and the World Intellectual Property Organization (WIPO), as well as relations of the Member States with third States on matters concerning intellectual property.

ARTICLE 3

Patents

The Member States shall ensure in their national laws at least the following:

- (a) adequate and effective patent protection for inventions in all fields of technology. For Liechtenstein and Switzerland this means protection on a level corresponding to the one in the European Patent Convention of 5 October 1973, as implemented in national law. For Iceland and Norway this means protection on a level corresponding to the one in the Agreement on the European Economic Area of 2 May 1992, as implemented in national law;
- (b) an additional term of protection for pharmaceuticals and plant protection products which shall be calculated from the expiry of the maximum term of patent of 20 years for a period equal to the period which elapsed between the filing date of the patent application and the date of the first market authorization of the product, reduced by a period of five years. Such additional protection shall cover a period of five years at the most and shall be granted under the following conditions:
 - the product is protected by a patent in force;
 - there has been an official marketing authorization procedure for the medicinal or plant protection product;
 - the marketing of the patented product has been postponed by administrative procedures regarding authorization of market access, so that the effective use of the patent amounts to less than 15 years;
 - the effective protection conferred by the patent and the additional protection shall together not exceed 15 years.

ARTICLE 4

Designs

The Member States shall ensure in their national laws adequate and effective protection of industrial designs by providing in particular a period of protection of five years from the date of application with a possibility of renewal for at least four consecutive periods

of five years each. The Member States may provide for a shorter period of protection for designs of component parts used for the purpose of the repair of a product.

ARTICLE 5

Geographical indications

The Member States shall ensure in their national laws adequate and effective means to protect geographical indications, including appellations of origin, with regard to all products and services.

ARTICLE 6

Acquisition and maintenance of intellectual property rights

Where the acquisition of an intellectual property right is subject to the right being granted or registered, the Member States shall ensure that the procedures for grant or registration are of the same level as that provided in the TRIPS Agreement, in particular Article 62.

ARTICLE 7

Enforcement of intellectual property rights

The Member States shall provide for enforcement provisions under their national laws of the same level as that provided in the TRIPS Agreement, in particular Articles 41 to 61.