

ANNEX V

REFERRED TO IN ARTICLE 23

PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

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Article 1

Definition

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

Article 2

International conventions

1. The Parties reaffirm their commitment to comply with the obligations set out in the following multilateral agreements:

- (a) WTO Agreement of 15 April 1994 on Trade – Related Aspects of Intellectual Property Rights (TRIPS Agreement);
- (b) Paris Convention of 20 March 1883 for the Protection of Industrial Property (Stockholm Act, 1967); and
- (c) Berne Convention of 9 September 1886 for the Protection of Literary and Artistic Works (Paris Act, 1971).

2. By the end of the fourth year after the entry into force of this Agreement, the Parties shall have acceded to the following multilateral conventions on intellectual property:

- (a) Protocol of 27 June 1989 Relating to the Madrid Agreement Concerning the International Registration of Marks;
- (b) Patent Cooperation Treaty of 19 June 1970 (Washington Act, amended in 1979 and modified in 1984);
- (c) Nice Agreement of 15 June 1957 Concerning the International classification of Goods and Services for the Purposes of the Registration of Marks (Geneva Act 1977 amended in 1979);

- (d) Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure;
- (e) International Convention for the Protection of New Varieties of Plants 1978 ("1978 UPOV Convention"), or the International Convention for the Protection of New Varieties of Plants 1991 ("1991 UPOV Convention"); and
- (f) International Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention).

3. The Joint Committee shall hold consultations, upon request of any Party, relating to the administration and enforcement of intellectual property rights agreements.

Article 3

Implementation of standards

The Parties shall ensure in their national laws the following:

- (a) Protection of industrial designs by providing a period of protection of at least 15 years in total, from the date of application. A Party may fulfill this requirement by extending or renewing an initial period of protection of less than 15 years;
- (b) Patent protection for all fields of technology corresponding at least to the one in the TRIPS Agreement;
- (c) Protection of geographical indications with regard to all goods;
- (d) Parties shall not register as trade marks or components thereof geographical indications which are likely to mislead or confuse the public or which contain false descriptions as to the origin of goods or services;
- (e) Protection of undisclosed information in accordance with Article 39 of the TRIPS Agreement. The competent authorities, who receive undisclosed information as defined in paragraph 3 of Article 39 of the TRIPS Agreement, shall protect it against disclosure and unfair commercial use from the date of its submission to the competent authorities until it is no longer confidential, or for a period not exceeding five years, whichever comes first.

Article 4

Acquisition and maintenance of intellectual property rights

Where the acquisition and maintenance of an intellectual property right is subject to the right being granted or registered, the Parties shall ensure, in accordance with the TRIPS Agreement and in particular its Article 62, that the procedures for grant or registration, subject to compliance with the substantive conditions for acquisition of the right, permit the granting or registration of the right within a reasonable period of time so as to avoid unwarranted curtailment of the period of protection.

Article 5

Enforcement of intellectual property rights

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