

## **ANNEX V**

### **PROTECTION OF INTELLECTUAL PROPERTY**

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### REFERRED TO IN ARTICLE 24

### PROTECTION OF INTELLECTUAL PROPERTY

#### Article 1

##### *Intellectual property*

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

#### Article 2

##### *International conventions*

1. The Parties reaffirm their obligations set out in the international agreements to which they are parties, including the International Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention). By 1 March 2008, Lebanon shall ratify the revisions to the following multilateral conventions on intellectual property, to which the EFTA States and Lebanon are parties or which are de facto applied by the EFTA States:

- Paris Convention of 20 March 1883 for the Protection of Industrial Property (Stockholm Act, 1967) and amended in 1979;
- Berne Convention of 9 September 1886 for the Protection of Literary and Artistic Works (Paris Act, 1971) and amended in 1979.

2. The Parties which are not parties to one or more of the agreements listed below shall undertake to obtain their adherence to the following multilateral agreements by 1 March 2008:

- WTO Agreement of 15 April 1994 on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement);
- Protocol of 27 June 1989 Relating to the Madrid Agreement concerning the International Registration of Marks;
- Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure;

- Patent Cooperation Treaty of 19 June 1970 (Washington Act, amended in 1979 and modified in 1984);
  - 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").
3. The Parties shall make every effort to ratify the following multilateral conventions at the earliest possible opportunity:
- Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs;
  - WIPO Copyright Treaty (Geneva 1996);
  - WIPO Performances and Phonogram Treaty (Geneva 1996).
4. The Parties agree to promptly hold expert consultations, upon request of any Party, 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 Parties with third States on matters concerning intellectual property.

### Article 3

#### *Patents*

The Parties 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. For Lebanon this means protection on a level corresponding to the one in the TRIPS Agreement as implemented in national law;
- (b) any granting of compulsory licenses shall be in compliance with the conditions of the TRIPS Agreement.

#### Article 4

##### ***Undisclosed information***

The Parties to this Agreement shall protect undisclosed information in accordance with Article 39 TRIPS. The Parties shall prevent applicants for marketing approval for pharmaceuticals and agricultural chemical products from relying on or referring to undisclosed test or other undisclosed data submitted by prior applicants to the competent approval authorities of the respective Parties for a period, from the date of approval, of at least six years, except where approval is sought for original products, or unless the first applicant is adequately compensated.

#### Article 5

##### ***Designs***

The Parties shall ensure in their national laws adequate and effective protection of industrial designs for at least 25 years from the date of application. It is understood that Parties can provide for an initial 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 Parties may provide for a shorter period of protection for designs of component parts used for the purpose of the repair of a product.

#### Article 6

##### ***Geographical indications***

The Parties shall ensure in their national laws adequate and effective means to protect geographical indications, with regard to all products, and to protect appellations of origin. Lebanon shall make every effort to protect geographical indications with regard to all services.

#### Article 7<sup>1</sup>

##### ***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 Parties 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.

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<sup>1</sup> In case of differences between registration and enforcement provisions of the TRIPS Agreement and the other International Conventions listed in Article 2 of this Annex, the latter provisions shall prevail.

Article 8<sup>1</sup>

***Enforcement of intellectual property rights***

The Parties 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.

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