

ANNEX XXI

PROTECTION OF INTELLECTUAL PROPERTY

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Referred to in Article 69

ARTICLE 1

Definition and scope of protection

"Intellectual property protection" comprises, in particular, protection of copyright, including computer programmes and compilations of data, as well as of neighbouring 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 to this Agreement reaffirm their commitment to comply with the obligations set out in 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);
 - Bern Convention of 9 September 1886 for the Protection of Literary and Artistic Works (Paris Act, 1971);
 - International Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention).
2. The Parties confirm the importance they attach to their obligations arising from the Patent Co-operation Treaty of 19 June 1970 (Washington Act, amended in 1979 and modified in 1984).
3. The Parties which are not parties to one or more of the agreements listed below shall undertake to obtain their adherence thereto before 1 January 2002 or at the date of entry into force of this Agreement, if this date is later:

- Nice Agreement of 15 June 1957 Concerning the International Classification of Goods and Services for the Purposes of the Registration Marks (Geneva Act 1977, as amended in 1979);
 - Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure;
 - International Convention of 2 December 1961 for the Protection of New Varieties of Plants (UPOV Convention).
4. The Parties shall make every effort to complete the necessary procedures for their accession to the following multilateral conventions at the earliest possible opportunity:
- a) the WIPO Copyright Treaty (Geneva 1996); and
 - b) the WIPO Performances and Phonogram Treaty (Geneva 1996).
5. With a view to strengthening co-operation links, the Parties shall hold expert consultations, upon request of a Party, on international activities, relations and developments in the field of intellectual property.

ARTICLE 3

Additional substantive standards

The Parties shall ensure in their respective laws at least the following:

- adequate and effective protection of copyright, including computer programmes and compilations of data, as well as of neighbouring rights;
- adequate and effective protection of trademarks, including collective marks, for goods and services, in particular of well-known trademarks;
- adequate and effective means to protect geographical indications with regard to all products, including appellations of origin, in accordance with the TRIPS Agreement. A Party shall, *ex officio*, if its legislation so permits, or at the request of an interested party, refuse or invalidate the registration of a trademark which contains or consists of a geographical indication with respect to services not originating in or connected to the territory indicated, if use of the indication in the trademark for such services in that Party is of such a nature so as to mislead the public as to the true place of origin;
- adequate and effective protection of industrial designs by providing in particular a period of protection of 15 years in total;

- adequate and effective patent protection for technological inventions; in Iceland, Liechtenstein and Switzerland this means a level of protection corresponding to the one in the European Patent Convention; and in Mexico and Norway this means protection in accordance with their national laws;
- adequate and effective protection of undisclosed information consistent with the level provided for in the TRIPS Agreement, in particular Article 39;
- adequate and effective protection of topographies of integrated circuits consistent with the level provided for in the TRIPS Agreement, in particular Articles 35 - 38;
- compulsory licensing of patents shall only be granted under the conditions established in Article 31 of the TRIPS Agreement.

ARTICLE 4

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 granting or registration are consistent with the level provided for in the TRIPS Agreement, in particular Article 62.

ARTICLE 5

Enforcement of intellectual property rights

The Parties shall provide in their respective laws for enforcement of IPR consistent with the level provided for in the TRIPS Agreement, in particular Articles 41 to 61.
