

**Annex 15
to Decision No 7/94
of the EEA Joint Committee**

ANNEX XVII (INTELLECTUAL PROPERTY) to the EEA Agreement shall be amended as specified below:

1. The following shall be added in point 2
(First Council Decision 90/510/EEC) before the adaptation:

", as amended by:

– 393 D 0017: Council Decision 93/17/EEC of 21 December 1992 (OJ No L 11, 19.1.1993, p. 22)."
2. In point 2 (First Council Decision 90/510/EEC), adaptation (a) shall be replaced by the following:

"(a) in the Annex, the references to Austria, Finland, Iceland, Norway and Sweden shall be deleted."
3. The following new points shall be inserted after point 3(b) (Commission Decision 90/541/EEC):

"(c) 393 D 0016: Council Decision 93/16/EEC of 21 December 1992 on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America and certain territories (OJ No L 11, 19.1.1993, p. 20), as amended by:

– 393 D 0520: Council Decision 93/520/EEC of 27 September 1993 (OJ No L 246, 2.10.1993, p. 31).

(d) 393 D 0217: Commission Decision 93/217/EEC of 19 March 1993 in accordance with Council Decision 93/16/EEC determining the United States of America as a country to the companies or other legal persons of which legal protection of topographies of semiconductor products is extended (OJ No L 94, 20.4.1993, p. 30).

(e) 394 D 0004: Council Decision 94/4/EC of 20 December 1993 on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America (OJ No L 6, 8.1.1994, p. 23)."
4. In point 3, the introductory sentence of the adaptation shall read:

"In addition to these Decisions, the following shall apply:".
5. The following new points shall be inserted after point 5 (Council Directive 91/250/EEC):

"6. 392 R 1768: Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (OJ No L 182, 2.7.1992, p. 1).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) in Article 3(b) the following shall be added:

"; for the purpose of this subparagraph and the Articles which refer to it, an authorization to place the product on the market granted in accordance with the national legislation of the EFTA State shall be treated as an authorization granted in accordance with Directive 65/65/EEC or Directive 81/851/EEC, as appropriate.";

(b) Article 19(1) shall be replaced by the following:

"1. Any product which on 2 January 1993 is protected by a valid patent and for which the first authorization to place it on the market as a medicinal product within the territories of the Contracting Parties was obtained after 1 January 1985 may be granted a certificate.

In case of certificates to be granted in Denmark, in Germany, in Finland and in Norway, the date of 1 January 1985 shall be replaced by that of 1 January 1988.

In the case of certificates to be granted in Belgium, in Italy and in Austria, the date of 1 January 1985 shall be replaced by that of 1 January 1982.";

(c) the following paragraphs shall be added to Article 19:

"3. If a basic patent in an EFTA State lapses, due to the expiry of its lawful term, between 2 January 1993 and the date of entry into force of this Regulation under this Agreement, the certificate shall take effect only with respect to the time following the date of publication of the application for the certificate. However, Article 13 shall apply as to the calculation of the duration of the certificate.

4. In the case of paragraph 3, the application for a certificate shall be lodged within two months of the date on which the Regulation enters into force in the EFTA State concerned.

5. A certificate applied for in accordance with paragraph 3 shall not prevent any third party who, between the lapse of the basic patent and the publication of the application for a certificate, in good faith has commercially used the invention or made serious preparations for such use, to continue such use."

7. 392 L 0100: Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ No L 346, 27.11.1992, p. 61).

Finland, Iceland, Norway and Sweden shall comply with the provisions of the Directive by 1 January 1995.

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) in Article 8(2) the following shall apply with regard to Norway:

Norway shall put into effect the measures necessary to comply with Article 8(2) of this Directive, for the communication of phonograms to the public by other means than broadcasting, as from 1 January 1996;

(b) Article 9(2) shall be replaced by the following:

"The distribution right shall not be exhausted within the territories of the Contracting Parties in respect of an object as referred to in paragraph 1, except where the first sale in the territories of the Contracting Parties of that object is made by the rightholder or with his consent."

8.393 L 0083: Council Directive 93/83/EEC of 27 September 1993 on the co-ordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmissions (OJ No L 248, 6.10.1993, p. 15).

9.393 L 0098: Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights (OJ No L 290, 24.11.1993, p. 9).

6. The following new heading and new points shall be inserted after point 9:

"ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

The Contracting Parties take note of the content of the following acts:

10. 392 Y 0528(01): Council Resolution 92/C 138/01 of 14 May 1992 on increased protection for copyright and neighbouring rights OJ No C 138, 28.5.1992, p. 1).

11. COM(92) 445 final: Commission Communication of 27 October 1992 on intellectual property rights and standardization (COM(92) 445 final).".
