

CHAPTER 5
PROTECTION OF INTELLECTUAL PROPERTY

ARTICLE 65

Protection of Intellectual Property

1. For the purpose of this Agreement the intellectual property shall mean intellectual property as defined in Article 1 of Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as “TRIPS Agreement”).

2. The Parties recognize the importance of protection of intellectual property rights, and shall ensure an adequate and effective implementation of the international treaties dealing with intellectual property to which they are parties. The Parties which are party to the TRIPS Agreement reaffirm their obligations set out therein. The Parties which are not party to the TRIPS Agreement shall follow the principles of the TRIPS Agreement.

3. Each Party shall accord to the nationals of the other Party treatment no less favourable than that it accords to its own nationals with regard to the protection of intellectual property subject to the provisions and exceptions provided in Article 3 and Article 5 of the TRIPS Agreement.

4. Each Party shall accord to the nationals of the other Party treatment no less favourable than that it accords to the nationals of any other country with regard to the protection of intellectual property in accordance with the provisions of the TRIPS Agreement in particular Articles 4 and 5 thereof.

5. The Parties shall endeavor to ensure in their respective laws and regulations provisions for enforcement of intellectual property rights at the same level as provided for in Articles 41 through 50 of the TRIPS Agreement, so as to permit effective action against any act of infringement of intellectual property rights covered by this Agreement.

6. The Parties shall co-operate in matters of intellectual property. Upon request of a Party, they shall hold consultations of experts on these matters, in particular with respect to activities, relating the existing or to future international conventions on the harmonization, administration and vindication of intellectual property rights and on activities in international organizations, such as the WTO, World Intellectual Property Organization (WIPO), as well as concerning the relations of the Parties with third parties with respect to the intellectual property matters.

7. If problems in the area of intellectual property protection affecting trading conditions were to occur, urgent technical consultations shall take place in the Joint Committee at the request of a Party, with a view to reaching mutually satisfactory solutions. Technical consultations may be conducted via any means mutually agreed by the Parties.