

ANNEX XI

ON INTELLECTUAL PROPERTY

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Article 1 - Definition and scope of protection

"Intellectual property protection" includes in particular protection of copyright and neighbouring rights, trademarks, geographical indications, industrial designs, patents, topographies of integrated circuits, as well as undisclosed information on know-how.

Article 2 - Substantive standards according to international conventions

1. In accordance with paragraph 2 of Article 17, the States Parties to this Agreement agree to comply with the substantive standards of the following multilateral agreements :

- Paris Convention of 20 March 1883 for the Protection of Industrial Property (Stockholm Act, 1967);
- Berne 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 States Parties to this Agreement 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 and on activities in international organizations, such as the General Agreement on Tariffs and Trade, the World Intellectual Property Organization (WIPO), as well as relations of the States Parties to third countries on matters concerning intellectual property.

Article 3 - Additional substantive standards

The States Parties to this Agreement shall ensure in their national laws at least the following:

- adequate and effective protection of copyright, including computer programmes and data bases, as well as neighbouring rights;
- adequate and effective protection of trademarks for goods and services, in particular of internationally well known trademarks;

¹ Annex XI was amended by Joint Committee Decision No. 8 of 1997 (18 December 1997). The Decision will enter into force when the instruments of acceptance have been deposited by all Parties with the Depository. The current Annex will then be replaced.

- adequate and effective means to protect geographical indications, including appellations of origin, with regard to all products, at least to the extent that their use is misleading the public;
- adequate and effective protection of industrial designs by providing in particular a period of protection of five years from the date of application with a possibility of renewal for two consecutive periods of five years each;
- adequate and effective protection of patents on a level similar to that prevailing in the European Free Trade Area;
- compulsory licensing of patents shall be non-exclusive, non-discriminatory, subject to compensation commensurate with the market value for the licence of the patent and to judicial review. The scope and duration of such licence shall be limited to the purpose for which it was granted. Licences granted on the grounds of non-working shall be used only to the extent necessary to satisfy the local market on reasonable commercial terms;
- adequate and effective protection of topographies of integrated circuits;
- adequate and effective protection of undisclosed information on know-how.

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 States Parties to this Agreement shall ensure that the procedures for grant or registration be non-discriminatory, fair and equitable. They shall not be unnecessarily complicated and costly, or entail unreasonable time-limits or unwarranted delays.

Article 5 - Enforcement of intellectual property rights

1. The States Parties to this Agreement shall ensure that the enforcement procedures be non-discriminatory, fair and equitable. They shall not be unnecessarily complicated and costly, or entail unreasonable time-limits or unwarranted delays.

2. The States Parties to this Agreement shall provide for enforcement provisions that are adequate, effective and non-discriminatory so as to guarantee full protection of intellectual property rights against infringement. Such provisions shall include in particular injunctions, damages adequate to compensate for the injury suffered by the right holder, as well as provisional measures, including *inaudita altera parte* ones.
