(a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good;

(b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as amended.

4. Each Party shall provide the legal means for interested parties to prevent in its Area the use of a geographical indication identifying at least wines, spirits and other alcoholic beverages as well as agricultural products for identical or like goods not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like.

Note 1: Notwithstanding Article 120, each Party may, with respect to these obligations, instead provide for enforcement by administrative action.

Note 2: For the purposes of this Article, with respect to the protection of geographical indications in Japan, the term “alcoholic beverages” means beverages containing one percent of alcohol or more.

Note 3: For the purposes of this Article, with respect to the protection of geographical indications in Japan, the term “agricultural products” means agricultural, forestry, and fishery products as well as foodstuffs excluding alcoholic beverages.

Note 4: For the purposes of this paragraph, “like goods”, in relation to a good for which a geographical indication has been protected in a Party's system, means a good that would fall within the same category of good as the good for which a geographical indication has been registered in that Party.

5. The Parties will endeavor to conclude an agreement on mutual recognition of geographical indications.

6. The Parties may exchange information on the protection of their geographical indications, including information on the system, procedures, and goods covered.”

Article 11

Article 117 of the Agreement shall be amended as follows:

1. By deleting the expression “and” at the end of subparagraph 3(c), deleting the period at the end of subparagraph 3(d) and replacing it by the expression “; and”, and by inserting the following new subparagraph immediately after subparagraph 3(d):

“(e) acts of acquiring or holding right to use domain names identical to a specific indication of goods or services of another person, or using such domain names, with intention to gain unfair profit or intention of causing damage to such person.”; and

2. By deleting the expression “identical or” in subparagraph 4(c).

Article 12

Article 119 of the Agreement shall be deleted and replaced by the following Article:

“Article 119
Enforcement - Border Measures

1. Each Party shall adopt procedures to enable a right holder, who has valid grounds for suspecting that the importation or exportation of counterfeit trademark or pirated copyright goods may take place, to lodge an application with competent authorities, administrative or judicial, for the suspension by the customs authority of the release into free circulation of such goods. Each Party shall provide for such applications to apply to multiple shipments.

Note: A Party may comply with the obligation in paragraphs 1, 3 and 4 by providing for a recordation system that enables a right holder to record its valid trademark or copyright with its customs authority.