2.　Without prejudice to a Party's laws pertaining to the privacy or confidentiality of information, where its customs authority has detained or suspended the release of goods that are suspected of being counterfeit trademark or pirated copyright goods, that Party shall provide that its customs authority has the authority to inform the right holder of the name and address of the consignor, importer, exporter, or consignee, a description of goods, quantity of goods and, if known, the country of origin of the goods.

3.　Each Party shall adopt or maintain procedures with respect to import and export shipments under which its customs authority may act upon their own initiative to suspend the release of suspected counterfeit trademark or pirated copyright goods.

4.　Each Party shall ensure that a right holder may provide to its customs authority within a reasonable period any information that may assist it in taking the border measures referred to in this Article.

5.　Each Party shall adopt or maintain procedures by which its competent authorities, administrative or judicial, may determine, within a reasonable period after the initiation of the procedures described in paragraphs 1 and 3, whether suspected counterfeit trademark or pirated copyright goods are infringing intellectual property rights.

6.　Each Party shall provide that its competent authorities have the authority to order the destruction of goods that are determined as counterfeit trademark or pirated copyright goods. In cases where such goods are not destroyed, each Party shall ensure that, except in exceptional circumstances, such goods are disposed of outside the channels of commerce in such a manner as to avoid any harm to the right holder. With regard to counterfeit trademark goods, the simple removal of the trademark unlawfully affixed shall not be sufficient other than in exceptional cases, to permit the release of the goods into the channels of commerce.

Note: For the purposes of this paragraph, the term "competent authorities" may include the judicial authorities.

7.　Where an application fee, merchandise storage fee or destruction fee is assessed in connection with border measures to enforce an intellectual property right, each Party shall provide that the fee shall not be set at an amount that deters recourse to these measures."

Article 13

Article 120 of the Agreement shall be amended as follows:

1.　By renumbering existing paragraph 2 as paragraph 3; and

2.　By deleting paragraph 1 and replacing it by the following paragraphs:

"1.　Each Party shall provide that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities have the authority to order the infringer to pay the right holder damages adequate to compensate for the injury the right holder has suffered because of an infringement of that person's intellectual property right by an infringer who knowingly, or with reasonable grounds to know, engaged in infringing activities.

2.　In determining the amount of damages referred to in paragraph 1, a Party's judicial authorities shall have the authority to consider any legitimate measure of value the right holder submits, which may include the value of the infringed goods or services, measured by the market price."

Article 14

Article 121 of the Agreement shall be amended by numbering the existing paragraph as paragraph 1 and inserting the following new paragraph thereafter:

"2.　With respect to the offences specified in paragraph 1, each Party shall provide that its judicial authorities have the authority to order the forfeiture or destruction of counterfeit trademark or pirated copyright goods, and of any materials and implements used in the creation thereof. Each Party shall ensure that the forfeiture or destruction of such goods, and of any materials and implements thereof shall occur without compensation of any sort to the infringer."