(a) after the authorised publication, or, failing such authorised publication within 50 years after the making of the work, no less than 50 years after the making, for works;

(b) after the authorised publication, or, failing such publication within 50 years after the fixation of the phonogram, no less than 50 years after the fixation, for phonograms;

(c) after the performance, for performances; or

(d) after the broadcast, for broadcasts.

10. For certain categories of works, each Party shall provide that the term of protection is the life of the author and no less than 70 years after his or her death, or no less than 70 years after the authorised publication, or, failing such authorised publication within 70 years after the making of the work, no less than 70 years after the making.

11. A Party may be exempted from its obligations under this Article where the exemptions as provided for in Articles 7 and 7*bis* of the Berne Convention may apply.

12. Each Party shall ensure non-discriminatory treatment for owners of copyright in the other Party with regard to the enjoyment and the exercise of copyrights, regardless of whether such copyrights are registered under the applicable laws and regulations of the former Party.

Article 115
Trademarks

1. Any sign, or any combination of signs, capable of distinguishing the products or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark. Such signs, in particular words including personal names, letters, numerals, figurative elements, three-dimensional shapes and combinations of colours as well as any combination of such signs, shall be eligible for registration as trademarks. Where signs are not inherently capable of distinguishing the relevant products or services, each Party may make eligibility for registration depend on distinctiveness acquired through use. Each Party may require, as a condition of registration, that signs be visually perceptible.

2. Each Party shall protect well-known marks in accordance with Article 6*bis* of the Paris Convention and paragraphs 2 and 3 of Article 16 of the TRIPS Agreement.

3. The Parties reaffirm the importance of the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization (hereinafter referred to as "the WIPO") in 1999 in furtherance of protection of well-known marks and the Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the WIPO in 2001 in furtherance of protection of signs on the Internet.

4. Each Party shall ensure that the owner of a registered trademark has the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for products or services which are identical or similar to those in respect of which the trademark is registered, where such use would result in a likelihood of confusion. For the purposes of this paragraph, "using" such sign includes, at least, importing and exporting products or packages of products to which the sign is affixed.

5. Paragraph 4 shall also apply if only small quantities of products are imported or exported, as long as the import or export constitutes an infringement of the right conferred by a registered trademark under the laws and regulations of a Party. In case of the use of an identical sign for identical products or services, a likelihood of confusion shall be presumed. The rights described in paragraph 4 shall not prejudice any existing prior rights, nor shall they affect the possibility of the Parties making rights available on the basis of use.

Article 116
Industrial Designs

1. Each Party shall ensure that adequate and effective protection is provided to industrial designs, including to designs of a part of an article.

2. Each Party shall ensure that the owner of a protected industrial design has the right to prevent third parties not having the owner's consent from making, selling, importing or exporting articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design when such acts are undertaken for commercial purposes.