(ii) for Switzerland, equal to the period which elapsed between the filing date of the patent application and the date of the marketing approval of the product, reduced by a period of five years. The maximum compensatory term shall be at least five years.

Article 118
New Varieties of Plants

Each Party shall provide the same level of protection for new varieties of all plant genera and species as provided under the 1991 UPOV Convention.

Article 119
Geographical Indications and Related Indications

1. Each Party shall ensure adequate and effective protection of geographical indications and related indications in accordance with this Article.

2. For the purposes of this Chapter:

(a) "geographical indications" means indications which identify a product as originating in a Party, or a region or locality in that Party, where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin; and

(b) "related indications" means:

(i) indications in the designation or presentation of a service that contain or consist of the name of a geographical place of a Party (hereinafter referred to in this Article as "indications of services"); and

(ii) the country name of a Party, the name of a canton of Switzerland, armorial bearings, flags and other State or regional emblems.

3. (a) In respect of geographical indications, each Party shall provide the legal means for interested parties to prevent:

(i) the use of any elements in the designation or presentation of a product that indicate or suggest that the product in question originates in a geographical place other than the true place of origin in a manner which misleads the public as to the geographical origin of the product;

(ii) any use which constitutes an act of unfair competition within the meaning of Article 10*bis* of the Paris Convention; and

(iii) any use of a geographical indication identifying wines for wines or identifying spirits for spirits not originating in the place indicated by the geographical indication in question.

Note: Nothing in this Article shall be so construed as to derogate from any obligation of a Party under subparagraph (iii). The Parties may, with respect to subparagraph (iii), provide for enforcement by administrative action instead of judicial procedures.

(b) Each Party shall provide the legal means for interested parties to prevent the use of any indications of services in a manner, as prescribed in applicable laws and regulations of the Party, that misleads the public.

(c) Each Party shall provide the legal means for interested parties to prevent the use of the country name of either Party or the name of a canton of Switzerland for a product or service in a manner, as prescribed in applicable laws and regulations of the Party, that misleads the public.