Article 121
Treatment of Test Data in Marketing Approval Procedure

1. Each Party shall prevent applicants for marketing approval for pharmaceutical products which utilise new chemical entities from relying on or from referring to test or other data submitted to its competent authority by the first applicant for a certain period of time counted from the date of approval of that application. As of the date of entry into force of this Agreement, such period of time is stipulated as being no less than six years by the relevant laws of each Party.

2. Each Party, when requiring, as a condition for approving the marketing of agricultural chemical products which utilise new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, shall ensure that, in accordance with its relevant laws and regulations, applicants for marketing approval are either:

(a) prevented from relying on or from referring to such data submitted to its competent authority by the first applicant for a period of at least ten years counted from the date of approval of that application; or

(b) required generally to submit a full set of test data, even in cases where there was a prior application for the same product, for a period, counted from the date of approval of a prior application, of at least ten years.

Article 122
Enforcement - General

Each Party shall endeavour to:

(a) encourage the establishment of public and/or private advisory groups to address issues of counterfeiting and piracy; and

(b) enhance internal coordination among, and facilitate joint actions by, its government agencies concerned with enforcement of intellectual property rights, subject to its available resources.

Article 123
Enforcement - Border Measures

1. Each Party shall provide for procedures concerning the suspension at the border by its customs authority, *ex officio*, of the release of products infringing rights at least to patents, utility models where provided for in its laws and regulations, industrial designs or trademarks, or copyrights or related rights which are destined for importation into, exportation from or transit through, the customs territory of the Party.

2. For the purposes of this Article:

(a) "exportation" includes re-exportation; and

(b) "transit" means transhipment and customs transit, as defined in the International Convention on the Simplification and Harmonization of Customs Procedures.

3. Each Party shall provide for procedures concerning the suspension at the border by its customs authority, upon request of a right holder, of the release of products infringing rights at least as referred to in paragraph 1, which are destined for importation into, exportation from and, where provided for in its laws and regulations, transit through, the customs territory of the Party.

4. In the case of the suspension pursuant to paragraphs 1 and 3 with respect to importation into, exportation from and, where provided for in the laws and regulations of a Party, transit through, the customs territory of the Party, the competent authorities of the Party suspending the release of the products shall notify the right holder of the name and addresses of the consignor or consignee, and the importer or exporter, as applicable, of the products in question. Such competent authorities shall notify the right holder of the names and addresses of the producer of the products in question, when they find that such information is indicated in the course of customs clearance procedures.

5. Each Party shall ensure that the products, the release of which has been suspended pursuant to paragraphs 1 and 3 and which have been found to be infringing products by the competent authorities, will not be released into free circulation without the consent of the right holder and will be destroyed in accordance with its laws and regulations.