2. In cases where it is extremely difficult for the right holder of intellectual property to prove the actual economic harm due to the nature of facts concerned, each Party shall ensure, to the extent possible in accordance with its laws and regulations, that its judicial authorities have the authority to determine the amount of damages based on the totality of the evidence presented to them.

3. Each Party shall endeavor, as necessary, to take necessary measures to improve its judicial system with a view to providing effective civil remedies against infringement of intellectual property rights.

Article 95
Enforcement - Criminal Remedies

Each Party shall ensure that criminal procedures and penalties be applied in accordance with Article 61 of the TRIPS Agreement.

Article 96
Cooperation

1. The Parties shall cooperate in the field of intellectual property in accordance with paragraph 2 of Article 80.

2. Areas and forms of cooperation under this Article shall be set forth in the Implementing Agreement.

3. Costs of cooperation under this Article shall be borne in as equitable a manner as possible.

4. Chapter 13 shall not apply to this Article.

Article 97
Sub-Committee on Intellectual Property

1. For the purposes of the effective implementation and operation of this Chapter, the Sub-Committee on Intellectual Property (hereinafter referred to in this Article as "the Sub-Committee") shall be established pursuant to Article 11.

2. The functions of the Sub-Committee shall be:

(a) reviewing and monitoring the implementation and operation of this Chapter;

(b) discussing any issues related to intellectual property with a view to enhancing protection of intellectual property and enforcement of intellectual property rights and to promoting efficient and transparent administration of intellectual property protection system, such as:

(i) issues on patents;

(ii) issues on industrial designs;

(iii) issues on trademarks;

(iv) issues on liability of internet service providers;

(v) issues on unfair competition;

(vi) issues on border measures;

(vii) issues on geographical indications; and

(viii) issues on administrative remedies;

(c) reporting the findings and the outcome of discussions of the Sub-Committee to the Joint Committee; and

(d) carrying out other functions as may be delegated by the Joint Committee in accordance with Article 11.

3. The Sub-Committee shall meet at such time and venue as may be agreed by the Parties.

4. The Sub-Committee shall be:

(a) composed of representatives of the Governments of the Parties; and

(b) co-chaired by officials of the Governments.

Article 98
Security Exceptions

For the purposes of this Chapter, Article 73 of the TRIPS Agreement is incorporated into and forms part of this Agreement, *mutatis mutandis*.

Chapter 10
Competition

Article 99
Promotion of Competition
by Addressing Anti-competitive Activities

Each Party shall, in accordance with its laws and regulations, promote competition by addressing anti-competitive activities in order to facilitate the efficient functioning of its market. Any measure taken for such purposes shall be taken in conformity with the principles of transparency, non-discrimination, and procedural fairness.

Article 100
Definitions