Chapter 9
Intellectual Property

Article 102
General Provisions

1. The Parties shall ensure adequate, effective, and non-discriminatory protection of intellectual property, in accordance with the provisions of the TRIPS Agreement.

2. Intellectual property referred to in this Chapter shall mean all categories of intellectual property that are under the TRIPS Agreement.

Article 103
Streamlining of Procedural Matters

1. For the purposes of providing efficient administration of the intellectual property protection system, each Party shall take appropriate measures to streamline its administrative procedures concerning intellectual property.

2. Neither Party shall require the certification, by any person other than the applicant or its representative, of a translation of an earlier application whose priority is claimed except in cases where the competent authority of the Party may reasonably doubt the accuracy of the translation.

3. Neither Party shall require that submission of a power of attorney be completed together with the filing of the application as a condition for according a filing date to the application.

Article 104
Promotion of Public Awareness Concerning Protection of Intellectual Property

The Parties shall endeavour to take such measures as deemed appropriate to enhance public awareness of protection of intellectual property including educational and dissemination projects on the use of intellectual property as well as on the enforcement of intellectual property rights.

Article 105
Patents

1. Neither Party shall require the rejection of any application for patent solely on the ground that the subject matter claimed in the application includes, among other things, a computer programme.

Note: This paragraph shall not prejudice the patentability or non-patentability of computer programmes *per se* which shall be determined in accordance with the laws and regulations of each Party.

2. Where the competent authority of a Party intends to render its decision to the effect that an application for a patent is to be refused, it shall notify the applicant for the patent of the reasons for refusal and give the said applicant an opportunity to present, in accordance with the laws and regulations of the Party, its case against the reasons for refusal within a reasonable period of time.

3. Each Party shall provide that a patent owner may file a request in accordance with its laws and regulations for correction of the description, the scope of the claims, or the drawings, that are attached to the patent application, to the competent authority for patents for the purpose of restriction of the scope of the claims.

Article 106
Trademarks

1. Each Party shall protect well-known trademarks in accordance with the following subparagraphs:

(a) Each Party may determine in accordance with its laws whether a trademark is a well-known trademark.