(b) Each Party shall, *ex officio* if its legislation so permits, or on the objection or request for invalidation raised in opposition or rectification or cancellation or invalidation proceedings by the proprietor of the well-known trademark, in accordance with its laws, refuse the application for or rectify or cancel or invalidate the registration of a trademark which is identical with or similar to a well-known trademark.

Note: For greater certainty, for the purposes of this subparagraph, each Party may in accordance with its laws take into account either of the following conditions and where appropriate other relevant factors:

(i) the use of the trademark in question is for unfair intentions; or

(ii) the use of that trademark would take unfair advantage of or be detrimental to the distinctive character or repute of the well-known trademark.

(c) For the purposes of subparagraphs (a) and (b), each Party shall in accordance with its laws determine that a trademark is a well-known trademark in either one or both of the following circumstances and where appropriate taking into account other relevant factors:

(i) if a trademark is well known in the other Party; or

(ii) if a trademark is well known in both Parties;

as indicating the goods or services of the proprietor of that trademark.

Note: The protection of a well-known trademark shall also extend, subject to the laws of each Party, to goods or services which are not similar to those goods or services which are covered by the well-known trademark.

2. Each Party shall ensure that an applicant may file a request to the competent authority that its application for registration of a trademark be examined in preference to other applications, subject to reasonable grounds and procedural requirements. Where such a request has been filed, the competent authority shall take the request into consideration and endeavour to examine the application in preference to other applications, where appropriate.

Article 107
Geographical Indications

Each Party shall ensure protection of geographical indications in accordance with its laws and regulations and in conformity with the TRIPS Agreement.

Article 108
Unfair Competition

Each Party shall provide for protection against acts of unfair competition in accordance with Article 10 *bis* of the Paris Convention for the Protection of Industrial Property (1967).

Article 109
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*.