ARTICLE 8

Nuclear material, material, equipment and technology transferred pursuant to this Agreement, equipment based on technology and nuclear material recovered or produced as a by-product shall not be transferred or retransferred beyond the jurisdiction of the State of the receiving Party, except into the jurisdiction of the State of the supplying Party, unless the prior written consent of the supplying Party is obtained.

ARTICLE 9

Nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product shall not be enriched or reprocessed within the jurisdiction of the Socialist Republic of Viet Nam, unless the Parties otherwise agree.

ARTICLE 10

1. Nuclear material, material, equipment and technology transferred between the two States, whether directly or through a third State, shall become subject to this Agreement upon their entry into the jurisdiction of the State of the receiving Party, only if the supplying Party has notified the receiving Party in writing and in advance of the intended transfer. Prior to the notified transfer of such nuclear material, material, equipment or technology, the supplying Party shall obtain from the receiving Party a written confirmation that the transferred nuclear material, material, equipment or technology will be held subject to this Agreement and that the proposed recipient, if other than the receiving Party, will be an authorized person of the receiving Party.

2. Nuclear material, material, equipment and technology subject to this Agreement shall no longer be subject to this Agreement if:

(a) such nuclear material, material or equipment has been transferred beyond the jurisdiction of the State of the receiving Party in accordance with the relevant provisions of this Agreement;

(b) the Parties agree in writing that such nuclear material, material, equipment or technology shall no longer be subject to this Agreement; or

(c) in the case of nuclear material, the Agency determines, in accordance with the provisions for the termination of safeguards in the relevant agreement referred to in Article 3 of this Agreement, that the nuclear material has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

ARTICLE 11

The Parties shall ensure the adequate and effective protection of intellectual property and technology created or transferred pursuant to the cooperation under this Agreement in accordance with the relevant international agreements to which Japan and the Socialist Republic of Viet Nam are parties and the laws and regulations in force in their respective States.

ARTICLE 12

1. The Parties shall, at the request of either of them, consult with each other, if any question arises concerning the interpretation or application of this Agreement.

2. If any dispute arising out of the interpretation or application of this Agreement is not settled by consultations referred to in paragraph 1 of this Article, such dispute shall, at the request of either Party, be submitted to an arbitral tribunal whose composition and proceedings shall be agreed upon by the Parties. The decisions of the tribunal shall be binding on the Parties.

ARTICLE 13

1. If the Socialist Republic of Viet Nam or Japan at any time following entry into force of this Agreement:

(a) acts in violation of the provisions of Article 4, 5, 6, 7, 8 or 9 of this Agreement or the decisions of the arbitral tribunal referred to in Article 12 of this Agreement; or

(b) terminates or materially violates its Safeguards Agreement with the Agency referred to in Article 3 of this Agreement,