Chapter 12
Intellectual Property

Article 12.1
General Provisions

1. The Parties shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property and provide for measures for the enforcement of intellectual property rights against infringement thereof, in accordance with the provisions of this Chapter and the international agreements related to intellectual property to which both Parties are party.

2. The Parties shall also promote efficiency and transparency in the administration of intellectual property system.

3. Nothing in this Chapter shall derogate from existing rights and obligations that the Parties have under the TRIPS Agreement or other international agreements related to intellectual property to which both Parties are party.

Article 12.2
Definition

The term "intellectual property" referred to in this Chapter shall mean all categories of intellectual property that are under the TRIPS Agreement.

Article 12.3
National Treatment

Each Party shall accord to nationals of the other Party treatment no less favorable than the treatment it accords to its own nationals with regard to the protection of intellectual property in accordance with Articles 3 and 5 of the TRIPS Agreement.

Note: For the purposes of this Article:

(a) the term "nationals" shall have the same meaning as in the TRIPS Agreement;

(b) the term "protection" shall include matters affecting the availability, acquisition, scope, maintenance and enforcement of intellectual property rights as well as those matters affecting the use of intellectual property rights specifically addressed in this Chapter; and

(c) for greater certainty, the term "protection of intellectual property" shall include the repression of unfair competition as provided for in Article 12.12.

Article 12.4
Procedural Matters

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

2. Neither Party shall require the authentication of signatures or other means of self-identification on documents to be submitted to the competent authority of the Party, including applications, translations into a language accepted by such authority of any earlier application whose priority is claimed, powers of attorney and certifications of assignment, in the course of application procedure or other administrative procedures on patents, utility models, industrial designs or trademarks.

3. Notwithstanding paragraph 2, a Party may require:

(a) the authentication of signatures or other means of self-identification, if the law of the Party so provides, where the signatures or other means of self-identification concern the surrender of a patent or a registration of utility models, industrial designs or trademarks; and