(b) within the Republic of India, in accordance with the Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities, done on February 2, 2009 as supplemented by the Protocol Additional to the said Agreement, done on May 15, 2009.

3. If the Agency decides that the application of safeguards by the Agency as required by paragraph 2 of this Article is not possible, the Parties shall consult and agree on appropriate verification measures.

ARTICLE 5

1. Each Party shall maintain a system of accounting for and control of all nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product.

2. The Parties shall exchange information on nuclear material and non-nuclear material under safeguards by the Agency as applicable, equipment and technology subject to this Agreement, as well as any other related information, as mutually agreed, through appropriate authorities to implement and administer the provisions of this Agreement.

ARTICLE 6

The Parties reaffirm their obligations under international conventions relating to nuclear safety to which both Japan and the Republic of India are parties.

ARTICLE 7

1. Each Party shall make sure that, whether during use, storage or transportation within the jurisdiction of its State or during international transport, adequate measures to ensure the physical protection of nuclear material and equipment transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product are adopted, in accordance with the laws and regulations in force in its State and relevant international conventions to which it is a party, in particular the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities adopted on October 26, 1979 and amended on July 8, 2005.

2. Each Party shall be responsible for implementing measures of physical protection within the jurisdiction of its State. In implementing measures of physical protection, each Party shall be guided by recommendations contained in the document published by the Agency as INFCIRC/225/Rev.4. Any revision to those recommendations shall only be effective for a Party after that Party has given written notice to the other Party of its decision to be guided by such revision.

3. The Parties shall exchange annually a list of facilities in which plutonium and uranium-233 (except as either may be contained in irradiated fuel elements), and high enriched uranium subject to this Agreement is stored. Either Party may make changes to its list by notifying the other Party in writing and receiving a written acknowledgement.

ARTICLE 8

1. The Parties shall ensure the adequate and effective protection of information and technology obtained pursuant to the cooperation under this Agreement against unauthorised use or disclosure in accordance with the relevant laws and regulations in force in their respective States.

2. The Parties shall ensure the adequate and effective protection of intellectual property created and technology transferred pursuant to the cooperation under this Agreement in accordance with applicable international agreements relating to intellectual property to which both Japan and the Republic of India are parties as well as the relevant laws and regulations in force in their respective States.

ARTICLE 9

1. The Parties shall implement this Agreement in such a manner as to facilitate nuclear trade between the Parties or their authorised persons, and where appropriate, nuclear trade between a Party or its authorised persons and third parties, of items subject to this Agreement for which the other Party or its authorised person is the intended end user.

2. A Party shall not use the provisions of this Agreement for the purpose of securing commercial advantage or for the purpose of interfering with the commercial relations of the other Party.