(ii) an enterprise of that Contracting Party,

that seeks to make, is making or has made investments in the Area of the other Contracting Party;[6]

(d) the term "enterprise" means any legal person or any other entity duly constituted or organised under the applicable laws and regulations, whether or not for profit, and whether private or government owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, organisation or company;

(e) the term "enterprise of a Contracting Party" means an enterprise duly constituted or organised under the applicable laws and regulations of a Contracting Party;

(f) the term "investment activities" means establishment, acquisition, expansion, operation, management, maintenance, use, enjoyment and sale or other disposal of investments;

(g) the term "Area" means:

(i) with respect to Japan, its territory, and the exclusive economic zone and the continental shelf with respect to which Japan exercises sovereign rights or jurisdiction in accordance with international law; and

(ii) with respect to the Argentine Republic, the territory subject to the sovereignty of the Argentine Republic, and the exclusive economic zone and the continental shelf with respect to which the Argentine Republic exercises sovereign rights or jurisdiction in accordance with its domestic law, including its constitutional provisions, as well as international law;

(h) the term "existing" means being in effect on the date of entry into force of this Agreement;

(i) the term "freely usable currency" means freely usable currency as defined under the Articles of Agreement of the International Monetary Fund;

(j) the term "WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, 15 April 1994;

(k) the term "GATS" means the General Agreement on Trade in Services in Annex 1B to the WTO Agreement;

(l) the term "GATT 1994" means the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement;

(m) the term "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreement;

(n) the term "claimant" means an investor of a Contracting Party that is a party to an investment dispute with the other Contracting Party;

(o) the term "respondent" means the Contracting Party that is a party to an investment dispute;

(p) the term "disputing party" means either the claimant or the respondent;

(q) the term "disputing parties" means the claimant and the respondent;

(r) the term "non-disputing Party" means the Contracting Party that is not a party to an investment dispute;

(s) the term "ICSID" means the International Centre for Settlement of Investment Disputes;

(t) the term "ICSID Convention" means the Convention on the Settlement of Investment Disputes between States and Nationals of other States, done at Washington, 18 March 1965;

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6 It is understood that an investor of a Contracting Party "seeks to make investments" in the Area of the other Contracting Party only when the investor has taken concrete steps necessary to make investments, such as when the investor has made an application for a permit or licence which authorises the establishment of investments.