ARTICLE 14.22

Preparatory acts deemed as infringement

With regard to labels and packaging, each Party shall provide that at least each of the following preparatory acts are deemed as an infringement of a registered trademark if the act has been performed without the consent of the registered trademark owner:

(a) the manufacture;

(b) the importation; and

(c) the presentation[1]

of labels or packaging bearing[2] a sign which is identical or similar to the registered trademark, for the purpose of using such sign or causing it to be used in the course of trade for goods or services which are identical or similar to those in respect of which the trademark is registered.

ARTICLE 14.23

Well-known trademarks

1. For the purpose of giving effect to the protection of well-known trademarks, as referred to in Article 6*bis* of the Paris Convention and paragraphs 2 and 3 of Article 16 of the TRIPS Agreement, the Parties affirm the importance of the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the WIPO at the Thirty-Fourth Series of Meetings of the Assemblies of the Member States of the WIPO in 1999.

[1] For the purposes of this Article, the United Kingdom considers "presentation" as offering or putting on the market and Japan considers "presentation" as assignment.

[2] For the purposes of this Article, for Japan, "bearing" means indicating.

2. Neither Party shall require as a condition for determining that a trademark is well-known that the trademark has been registered in the Party or in another country, included on a list of well-known trademarks, or given prior recognition as a well-known trademark.

ARTICLE 14.24

Bad faith trademarks

Each Party shall provide that its competent authority has the authority to refuse an application or cancel a registration where the application to register the trademark was made in bad faith, in accordance with its laws and regulations.[1] [2]

ARTICLE 14.25

Registration and renewal processes

To maintain a streamlined trademark registration system that can adapt to technological advances, the Parties recognise the importance of maintaining best practice for the efficient registration and renewal processes for trademarks.

[1] For the purposes of this Article, a Party may provide that the competent authority of a Party may take into consideration whether the trademark is identical or similar to a well-known trademark of another person.

[2] The Parties understand that an application to register a trademark, which is identical or similar to a trademark well-known in either Party or in a third country as indicating the goods or services of another person, may be considered as an application made in bad faith as determined in accordance with the applicable laws and regulations of each Party.