3. Each Party may provide limited exceptions to the protection of industrial designs in a manner consistent with paragraph 2 of Article 26 of the TRIPS Agreement.

4. The provisions of this Article shall be without prejudice to any provisions of this Chapter or of the laws and regulations of each Party relating to other intellectual property including unregistered appearances of products, copyright, trademarks or other distinctive signs and patents.

5. Each Party shall ensure that an owner of a protected industrial design has at least the right to prevent third parties not having the owner's consent from making, offering for sale, selling, importing or exporting articles bearing or embodying a design which is identical or similar to the protected design, when such act is undertaken for commercial purposes.

6. Each Party shall provide that an applicant for an industrial design registration may request the competent authority to maintain the design unpublished for a period designated by the applicant not exceeding the period provided for in its laws and regulations.

7. Each Party shall ensure that the total term of protection available for industrial designs does not end before the expiration of a period of 25 years from the date on which the application was made or is treated as having been made.

ARTICLE 14.36

Multiple design applications[1]

Each Party shall provide a system for the registration of industrial designs which allows for two or more designs to be registered through the filing of one application.

[1] The Parties understand that Japan shall implement the obligations referred to in this Article only after the relevant laws and regulations of Japan have come into force and, in any event, within six months of the date of entry into force of this Agreement.

SUB-SECTION 5

Unregistered appearance of products

ARTICLE 14.37

Unregistered appearance of products

1. The Parties recognise that the appearance of products may be protected through industrial designs, copyright or unfair competition prevention legislation.

2. Each Party shall provide legal means to prevent the use of the unregistered appearance of a product, if such use results from copying the unregistered appearance of the product to the extent provided by its laws and regulations. Such use shall at least cover offering for sale, putting on the market, importing or exporting the product.[1]

3. The duration of protection available for the unregistered appearance of a product shall amount to at least three years according to the respective laws and regulations of the Parties.

[1] For the purposes of this Article, "copying", "appearances", "offering", and "putting on the market" may be deemed by a Party to be synonymous with "imitating", "configuration", "displaying" and "selling", respectively.