as a party to the TRIPS Agreement, the Berne Convention, the Rome Convention, the WCT, or the WPPT.

3. Each Party shall endeavour to provide an appropriate balance in its copyright and related rights system, among other things by means of limitations and exceptions consistent with paragraph 1, for legitimate purposes, which may include education, research, criticism, comment, news reporting, and facilitating access to published works for persons who are blind, visually impaired, or otherwise print disabled.

4. For greater certainty, a Party may adopt or maintain limitations or exceptions to the rights referred to in paragraph 1 for fair use, as long as any such limitation or exception is confined as stated in paragraph 1.

SECTION C
TRADEMARKS

Article 11.19: Trademarks Protection

Each Party shall ensure that any signs or any combination of signs capable of distinguishing the goods and services of one undertaking from those of other undertakings, shall be capable of constituting a trademark. Such signs, in particular words including personal names, letters, numerals, figurative elements, three-dimensional shapes, and combinations of colours, as well as any combination of such signs, shall be eligible for registration as trademarks. Where signs are not inherently capable of distinguishing the relevant goods or services, a Party may make registrability depend on distinctiveness acquired through use. No Party shall require, as a condition of registration of a trademark, that signs be visually perceptible, nor deny registration of a trademark solely on the grounds that the sign of which it is composed is a sound.[16]

Article 11.20: Protection of Collective Marks and Certification Marks

1. Each Party shall provide that trademarks include collective marks and certification marks. A Party is not obligated to treat certification marks as a separate category in its laws and regulations, provided that those marks are protected.

2. Each Party shall also provide that signs that may serve as geographical indications are capable of protection under its trademark system in accordance with its laws and regulations.

Article 11.21: Trademarks Classification System

1. Each Party shall adopt or maintain a trademark classification system that is consistent with the *Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks* done at Nice on 15 June 1957, as amended from time to time (hereinafter referred to as the "Nice Agreement" in this Chapter).

2. A Party that relies on translations of the classification system established by the Nice Agreement (hereinafter referred to as the "Nice Classification" in this Chapter) shall follow updated versions of the Nice Classification to the extent that official translations have been issued and published.

Article 11.22: Registration and Applications of Trademarks

1. Each Party shall provide a system for the registration of trademarks, which shall include:

   (a) a requirement to provide to the applicant a communication in writing, which may be provided electronically, of the reasons for a refusal to register a trademark;

   (b) an opportunity for the applicant to respond to communications from the Party's competent authorities, to contest an initial refusal, and to make a judicial appeal of a final refusal to register a trademark;

   (c) an opportunity to do at least one of the following in relation to a trademark before it has been registered:

      (i) oppose a trademark application; or

      (ii) provide the competent authority with information that the trademark application does not satisfy the requirements for registration;

[16] A Party may require an adequate description, which can be represented graphically, of the trademark.