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

(i) oppose the registration;

(ii) seek revocation of the registration;

(iii) seek cancellation of the registration; or

(iv) seek invalidation of the registration; and

(e) a requirement that administrative decisions[17] in opposition, revocation, cancellation, or invalidation proceedings shall be reasoned and in writing. Such decisions may be provided electronically.

2. Each Party shall provide:

(a) a system for the electronic application for processing, registering, and maintenance of, trademarks; and

(b) a publicly accessible online electronic database of trademark applications and registrations.

Article 11.23: Rights Conferred

Each Party shall provide that the owner of a registered trademark shall have the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for goods or services that are identical or similar to those goods or services in respect of which the trademark is registered, where such use would result in a likelihood of confusion. In the case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed. The rights described in this Article shall not prejudice any existing prior rights, nor shall they affect the possibility of a Party making rights available on the basis of use.

[17] For the purposes of this subparagraph, "administrative decisions" include quasi-judicial decisions.

Article 11.24: Exceptions

A Party may provide limited exceptions to the rights conferred by a trademark, such as fair use of descriptive terms, provided that such exceptions take account of the legitimate interests of the owner of the trademark and of third parties.

Article 11.25: Protection of Trademarks that Predate Geographical Indications

Each Party shall protect trademarks where they predate, in its jurisdiction, geographical indications, in accordance with the TRIPS Agreement.

Article 11.26: Protection of Well-Known Trademarks

1. Each Party shall provide for appropriate measures to refuse or cancel the registration, and to prohibit the use,[18] of a trademark that is identical or similar to a well-known trademark[19, 20] for identical or similar goods or services, if the use of that trademark is likely to cause confusion with the prior well-known trademark.

2. Each Party recognises the importance of the *Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks* as adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of WIPO at the Thirty-Fourth Series of Meetings of the Assemblies of the Member States of WIPO, 20 to 29 September 1999.

3. No Party shall require, as a condition for determining that a trademark is a well-known trademark, that the trademark has

[18] For greater certainty, a Party may comply with the obligation to provide for appropriate measures to prohibit the use of the trademark that is identical or similar to a well-known trademark under this paragraph by providing its judicial authorities with the authority to prohibit the use of such a trademark.

[19] For the purposes of this paragraph, a Party may treat "a reproduction, an imitation, or a translation of a well-known trademark" as "identical or similar to a well-known trademark".

[20] The Parties understand that a well-known trademark is one that was already well-known before, as determined by a Party, the application for, registration of, or use of the first-mentioned trademark.