SECTION G
GENETIC RESOURCES, TRADITIONAL KNOWLEDGE, AND FOLKLORE[41]

Article 11.53: Genetic Resources, Traditional Knowledge, and Folklore

1. Subject to its international obligations, each Party may establish appropriate measures[42] to protect genetic resources, traditional knowledge, and folklore.

2. Where a Party has disclosure requirements relating to the source or origin of genetic resources[43] as part of its patent system, that Party shall endeavour to make available its laws, regulations, and procedures with respect to such requirements, including on the internet where feasible, in such a manner as to enable interested persons and other Parties to become acquainted with them.

3. Each Party shall endeavour to pursue quality patent examination, which may include:

   (a) that when determining prior art, relevant publicly available documented information related to traditional knowledge associated with genetic resources may be taken into account;

   (b) an opportunity for third parties to cite, in writing, to the competent examining authority, prior art disclosures that may have a bearing on patentability, including prior art disclosures related to traditional knowledge associated with genetic resources; and

   (c) if applicable and appropriate, the use of databases or digital libraries which contain relevant information on traditional knowledge associated with genetic resources.

[41] For greater certainty, this Section is without prejudice to the position of any Party on genetic resources, traditional knowledge, and folklore, including in any bilateral or multilateral negotiations through any fora, such as the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

[42] For greater certainty, the Parties understand that such “appropriate measures” are a matter for each Party to determine and may not necessarily involve its intellectual property system.

[43] The Parties recognise the fact that some Parties also require, if applicable, in their patent systems, evidence of prior informed consent and access and benefit sharing for genetic resources and associated traditional knowledge.

SECTION H
UNFAIR COMPETITION

Article 11.54: Effective Protection against Unfair Competition

Each Party shall provide for effective protection against acts of unfair competition in accordance with the Paris Convention[44].

Article 11.55: Domain Names

In connection with its system for the management of its country code top-level domain (ccTLD) domain names and in accordance with its laws and regulations and, if applicable, relevant administrator policies regarding protection of privacy and personal data, each Party shall make the following available:

   (a) an appropriate procedure for the settlement of disputes, based on, or modelled along the same lines as, the principles established in the Uniform Domain-Name Dispute-Resolution Policy, as approved by the Internet Corporation for Assigned Names and Numbers, or that:

      (i) is designed to resolve disputes expeditiously and at a reasonable cost;

      (ii) is fair and equitable;

      (iii) is not overly burdensome; and

      (iv) does not preclude resort to judicial proceedings; and

[44] For greater certainty, the Parties understand that Article 10*bis* of the Paris Convention covers acts of unfair competition in relation to the supply of goods and services, where relevant.