

CHAPTER 5

PROTECTION OF INTELLECTUAL PROPERTY

ARTICLE 5

Protection of Intellectual Property

1. The Parties shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property rights, and provide for measures for the enforcement of such rights against infringement thereof, including counterfeiting and piracy, in accordance with the provisions of this Chapter, Annex XVII (Protection of Intellectual Property) and the Record of Understanding regarding Patents, and the international agreements referred to therein.
2. The Parties shall accord each other's nationals treatment no less favourable than that they accord to their own nationals. Exemptions from this obligation shall be in accordance with the substantive provisions of Articles 3 and 5 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the "TRIPS Agreement").
3. The Parties shall grant to each other's nationals treatment no less favourable than that accorded to nationals of a non-party. Exemptions from this obligation must be in accordance with the substantive provisions of the TRIPS Agreement.
4. If a Party concludes a trade agreement containing provisions on the protection of intellectual property rights with a non-party that has to be notified under Article XXIV of the GATT 1994, it shall also notify the other Parties and accord to them treatment no less favourable than that provided under such agreement. The Party concluding such an agreement shall, upon request of another Party, negotiate incorporation into this Agreement of provisions of the agreement granting a treatment no less favourable than that provided under that agreement.
5. Upon request of a Party, to the Joint Committee, the Parties agree to review the provisions of this Chapter and Annex XVII (Protection of Intellectual Property), with a view, *inter alia*, to further developing adequate levels of protection and implementation.