

ANNEX V

REFERRED TO IN ARTICLE 15

PROTECTION OF INTELLECTUAL PROPERTY

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Article 1

Definition and scope of protection

"Intellectual property protection" includes in particular protection of copyright and neighbouring rights, trademarks, geographical indications, industrial designs, patents, topographies of integrated circuits, as well as undisclosed information on know-how.

Article 2

International conventions

(1) In accordance with paragraph 2 of Article 15, the Parties agree to comply with the substantive standards of, and to adhere to, the following multilateral agreements:

- Paris Convention of 20 March 1883, for the Protection of Industrial Property (Stockholm Act, 1967),
- Berne Convention of 9 September 1886, for the Protection of Literary and Artistic Works (Paris Act 1971).

(2) The Parties agree to promptly hold expert consultations, upon request of any Party, on activities relating to the identified or to future international conventions on harmonization, administration and enforcement of intellectual property and on activities in international organizations, such as the General Agreement on Tariffs and Trade, the World Intellectual Property Organization (WIPO), as well as arrangements between any Parties and third countries on matters concerning intellectual property.

Article 3

Additional substantive standards

(1) The Parties shall ensure in their national laws at least the following:

- adequate and effective legal protection of copyright, including computer programmes and data bases, as well as of neighbouring rights;

- adequate and effective legal protection of trademarks for goods and services, in particular of internationally well known trademarks;
- adequate and effective legal means to protect geographical indications, including appellations of origin, with regard to all products, at least to the extent that their use is misleading the public;
- adequate and effective legal protection of industrial designs by providing in particular a period of protection of five years from the date of application with a possibility of renewal for two consecutive periods of five years each;
- adequate and effective legal protection of patents on a basis similar to that prevailing in the European Free Trade Area;
- compulsory licensing of patents shall be non-exclusive, non-discriminatory, subject to compensation commensurate with the market value for the licence of the patent and to judicial review.

The scope and duration of such licence shall be limited to the purpose for which it was granted;

- adequate and effective legal protection of topographies of integrated circuits;
- adequate and effective legal protection of undisclosed information on know-how.

Article 4

Acquisition and maintenance of intellectual property rights

Where the acquisition of an intellectual property right is subject to the right being granted or registered, the Parties shall ensure that the procedures for grant or registration be non-discriminatory, fair and equitable. They shall not be unnecessarily complicated and costly, or entail unreasonable time limits or unwarranted delays.

Article 5

Enforcement of intellectual property rights

(1) The Parties shall ensure that the enforcement procedures be non-discriminatory, fair and equitable. They shall not be unnecessarily complicated and costly, or entail unreasonable time limits or unwarranted delays.

(2) The Parties shall provide for enforcement provisions that are adequate, effective and non-discriminatory so as to guarantee full protection of intellectual property rights against infringement. Such provisions shall include in particular injunctions, damages adequate to compensate for the injury suffered by the right holder, as well as provisional measures, including *inaudita altera parte* ones.
