

CHAPTER 8

INTELLECTUAL PROPERTY

ARTICLE 8

Protection of Intellectual Property Rights

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 XVIII (Protection of Intellectual Property), and the international agreements referred to therein. Parties understand that, in accordance with the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights* (hereinafter referred to as the “TRIPS Agreement”), the grant of rights by the Parties is subject to compliance with the substantive conditions for acquisition of such rights.
2. The Parties shall accord to nationals of another Party treatment no less favourable than that they accord to their own nationals. Exemptions from this obligation must be in accordance with the substantive provisions of Articles 3 and 5 of the TRIPS Agreement.
3. The Parties shall grant to nationals of another Party treatment no less favourable than that accorded to nationals of a non-party. If a Party concludes a trade agreement containing provisions on the protection of intellectual property rights with a non-party, notified under Article XXIV of the GATT 1994, it shall notify the other Parties without delay and accord to them treatment no less favourable than that provided under such agreement. The Party concluding such an agreement shall, upon request by another Party, negotiate the incorporation into this Agreement of provisions of the agreement granting a treatment no less favourable than that provided under that agreement. Exemptions from this obligation must be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5.
4. The Parties agree, upon request of any Party to the Joint Committee, to review the provisions, implementation and application, of this Chapter and Annex XVIII (Protection of Intellectual Property), and to discuss issues related to intellectual property, with a view, *inter alia*, to further improving the protection and enforcement of intellectual property rights.