

CHAPTER III INTELLECTUAL PROPERTY

ARTICLE 26

Intellectual Property Rights

1. “Intellectual property” comprises in particular copyright, including computer programmes and compilations of data, as well as neighbouring rights, trademarks for goods and services, geographical indications, industrial designs, patents, plant varieties, topographies of integrated circuits, as well as undisclosed information.
2. 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, counterfeiting and piracy, in accordance with the provisions of this Article and the obligations set out in the international agreements to which they are parties.
3. The Parties shall accord to each others’ nationals treatment no less favourable than that they accord to their own nationals. Exemptions from this obligation must be in accordance with the substantive provision of Articles 3 and 5 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as “the TRIPS Agreement”).
4. The Parties shall grant to each other’s nationals treatment no less favourable than that accorded to nationals of any other State. Exemptions from this obligation must be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5 thereof.
5. With the objective of progressively harmonizing their legal framework on intellectual property rights, the EFTA States and the SACU States affirm their commitment to review this Chapter not later than five years after the entry into force of this Agreement.
6. In order to avoid or to remedy trade distortions caused by actual levels of protection of intellectual property rights, at the request of a Party, urgent consultations shall take place with a view to reaching a mutually satisfactory solution.