

CHAPTER 9
MOVEMENT OF NATURAL PERSONS

Article 90
Scope of Chapter 9

1. This Chapter applies to measures affecting the movement of natural persons of a Party who enter the territory of the other Party for business purposes.
2. This Agreement shall not apply to measures regarding nationality or citizenship, residence on a permanent basis or employment on a permanent basis.

Article 91
Definitions under Chapter 9

The term "natural person of the other Party" means a natural person who resides in the territory of the other Party or elsewhere and who under the law of the other Party:

- (a) in respect of Japan, is a national of Japan; and
- (b) in respect of Singapore, is a national of Singapore or has the right of permanent residence in Singapore.

Article 92
Specific Commitments under Chapter 9

1. Each Party shall set out in Part A of Annex VI the specific commitments it undertakes for:
 - (a) short-term business visitors of the other Party; and
 - (b) intra-corporate transferees of the other Party.
2. Each Party shall set out in Part B of Annex VI the specific commitments it undertakes, to be implemented in accordance with its laws and regulations, for:
 - (a) investors of the other Party; and
 - (b) natural persons of the other Party who engage in work on the basis of a personal contract with public or private organisations in its territory.

3. Natural persons covered by a specific commitment referred to in paragraphs 1 and 2 above shall be granted entry and stay in accordance with the terms and conditions of the specific commitment.

4. The specific commitments referred to in paragraphs 1 and 2 of this Article shall apply only to sectors where specific commitments referred to in Article 63 are undertaken under Chapter 7 and no specific exceptions are made under Chapter 8.

Article 93 Mutual Recognition of Professional Qualifications

1. A Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in the territory of the other Party for the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of natural persons with professional qualifications.

2. Recognition referred to in paragraph 1 above, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement between the Parties or may be accorded unilaterally.

3. Where a Party recognises, by agreement or arrangement or unilaterally, the education or experience obtained, requirements met or licences or certifications granted in the territory of a non-Party, the Party shall accord the other Party an adequate opportunity to demonstrate that the education or experience obtained, requirements met or licences or certifications granted in the territory of the other Party should also be recognised.

Article 94 Joint Committee on Mutual Recognition of Professional Qualifications

1. For the purposes of effective implementation of Article 93 above, a Joint Committee on Mutual Recognition of Professional Qualifications (hereinafter referred to in this Article as "the Committee") shall be established. The functions of the Committee shall be:

- (a) reviewing and discussing the issues concerning the effective implementation of Article 93 above;
 - (b) identifying and recommending areas for and ways of furthering co-operation between the Parties; and
 - (c) discussing other issues relating to the implementation of Article 93 above.
2. The composition of the Committee shall be specified in the Implementing Agreement.

Article 95
General Provisions for Chapter 9

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination against the other Party, or a disguised restriction on trade in services between the Parties or on investments of investors of a Party in the territory of the other Party, nothing in this Chapter shall be construed to prevent the adoption or enforcement by either Party of measures:

- (a) necessary to protect public morals or to maintain public order;^(Note)

Note: The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Chapter including those relating to:
 - (i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on services contracts;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
 - (iii) safety.

2. This Chapter shall not prevent a Party from applying measures to regulate the entry of natural persons of the other Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under the terms of a specific commitment.^(Note)

Note: The sole fact of requiring a visa for natural persons of a certain nationality or citizenship and not for those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.

CHAPTER 10 INTELLECTUAL PROPERTY

Article 96 Areas and Forms of Co-operation under Chapter 10

1. The Parties, recognising the growing importance of intellectual property (hereinafter referred to in this Chapter as "IP") as a factor of economic competitiveness in the knowledge-based economy, and of IP protection in this new environment, shall develop their co-operation in the field of IP.

2. The areas of the co-operation pursuant to paragraph 1 above may include:

- (a) patents, trade secrets and related rights;
- (b) trade marks and related rights;
- (c) repression of unfair competition;
- (d) copyright, designs and related rights;
- (e) IP brokerage or licensing, IP management, registration and exploitation, and patent mapping;