

CHAPTER ELEVEN

INTELLECTUAL PROPERTY

Article 11.1 **Definitions**

For the purposes of this Chapter, **intellectual property rights** refers to copyright and related rights, rights in trade marks, geographical indications, industrial designs, patents, layout designs of integrated circuits, and rights in plant varieties as defined and described in the WTO TRIPS Agreement.

Article 11.2 **Intellectual Property Principles**

1. The Parties recognise the importance of intellectual property rights in promoting economic and social development, particularly in the new digital economy, technological innovation and trade.
2. The Parties recognise the need to achieve a balance between the rights of right holders and the legitimate interests of users and the community with regard to protected subject matter.
3. Each Party is committed to the maintenance of transparent intellectual property rights regimes and systems that:
 - (a) provide for the protection and enforcement of intellectual property rights; and
 - (b) facilitate international trade through the dissemination of ideas, technology and creative works.

Article 11.3 **General Provisions**

1. Each Party reaffirms its commitment to the provisions of the WTO TRIPS Agreement and any other multilateral agreement relating to intellectual property to which both are party.
2. For the purposes of this Chapter, the WTO TRIPS Agreement is incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 11.4
Cooperation on Notification and Exchange of Information

1. Each Party shall designate a Contact Point to facilitate communications between the Parties on any matter covered by this Chapter, and provide details of such Contact Points to the other Party. The Parties shall notify each other promptly of any amendments to the details of their Contact Points.
2. Each Party shall:
 - (a) promptly notify the other Party of any new laws that enter into effect in relation to intellectual property and, in particular, any new laws concerning the enforcement of intellectual property rights;
 - (b) inform the other Party of changes to, and developments in, the implementation of intellectual property systems, aimed at promoting effective and efficient registration or grant of intellectual property rights;
 - (c) encourage and facilitate the development of contacts and cooperation between their respective Government agencies, educational institutions, and other organisations with an interest in the field of intellectual property rights;
 - (d) share information and cooperate on appropriate initiatives to promote awareness of intellectual property rights and systems; and
 - (e) share information and cooperate on appropriate initiatives to promote measures to protect traditional knowledge.
3. Any information or notification provided under this Article shall be conveyed through the Contact Points referred to in paragraph 1.

Article 11.5
Cooperation on Enforcement

The Parties agree to cooperate with a view to eliminating trade in goods infringing intellectual property rights, subject to their respective laws, rules, regulations, directives or policies. Such cooperation shall include:

- (a) provision for each Party's designated Contact Point to exchange information concerning enforcement of intellectual property rights;
- (b) policy dialogue on initiatives for the improvement of enforcement of intellectual property rights in multilateral and regional fora; and

- (c) such other activities and initiatives for the enforcement of intellectual property rights as may be mutually agreed between the Parties.

Article 11.6 Traditional Knowledge

Subject to each Party's international obligations, the Parties may establish appropriate measures to protect traditional knowledge.

Article 11.7 Consumer Protection

1. The Parties affirm their concern to provide protection in their territories from deceptive practices or the use of false or misleading descriptions in trade.
2. Each Party shall provide the legal means to ensure that products that are sold within its territory are not labelled in a manner which is false, deceptive or misleading or is likely to create an erroneous impression about the character, composition, quality, or origin, including the country of origin, of the product.

Article 11.8 Consultations

A Party may, at any time, request consultations with the other Party's Contact Point with a view to seeking information or clarification on intellectual property issues arising between the Parties. Such consultations will commence within 60 days of the request, unless the Parties mutually determine otherwise. In the event that consultations fail to resolve any such issues, the requesting Party may refer the issues to the Joint Commission for consideration.