

CHAPTER 12: INTELLECTUAL PROPERTY

ARTICLE 12.1

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, rights in plant varieties, and rights in undisclosed information, as defined and described in the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)*.

ARTICLE 12.2

Observance of International Obligations

The Parties shall fully respect the provisions of the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)* and any other multilateral agreement relating to intellectual property to which both are party.

ARTICLE 12.3

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 are committed to the maintenance of intellectual property rights regimes that promote innovation through protecting the rights of intellectual property right holders and the legitimate interests of the community in accordance with the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)*.

ARTICLE 12.4

Cooperation on Enforcement

The Parties shall cooperate and collaborate with a view to ensuring effective protection of intellectual property rights and the prevention of trade in goods and services infringing intellectual property rights, subject to their respective laws, rules, regulations and government policies. Such cooperation may include:

- (a) the notification of contact points for the enforcement of intellectual property rights;
- (b) the exchange, between relevant agencies responsible for the enforcement of intellectual property rights, of information concerning infringement of intellectual property rights;
- (c) policy dialogue on matters relating to the enforcement of intellectual property rights, including such dialogue in multilateral and regional fora; and
- (d) such other activities and initiatives for the enforcement of intellectual property rights as may be mutually determined between the Parties.

ARTICLE 12.5

Other Cooperation

1. Recognising that intellectual property rights can facilitate international trade through the dissemination of ideas, technology and creative works, the Parties, through their respective agencies responsible for intellectual property, shall:

- (a) exchange information relating to developments in intellectual property policy;
- (b) encourage and facilitate the development of contacts and cooperation between their respective agencies, educational institutions, organisations and other entities concerning the protection of intellectual property rights with a view to improving and strengthening intellectual property administrative systems in areas such as patents and trade marks;
- (c) facilitate the sharing of information and cooperate on appropriate initiatives to promote awareness of intellectual property rights and systems; and

- (d) cooperate to enhance understanding in new areas of intellectual property such as traditional knowledge, genetic resources, and folklore,² recognising that each Party may wish, consistent with its obligations under the WTO Agreement, to establish appropriate measures to protect traditional knowledge, genetic resources and folklore.

² As referred to in the World Intellectual Property Organisation Inter-Governmental Committee on Traditional Knowledge, Genetic Resources and Folklore.