

- (b) the proposed modification is a minor adjustment or a rectification under paragraph 3(a); or
- (c) the proposed modification covers an entity over which the Party has effectively eliminated its control or influence under paragraph 3(b),

it shall object in writing within 30 days of receipt of the notification referred to in paragraph 2(a) or be deemed to have accepted the adjustment or proposed modification, including for the purposes of Chapter 17 (Dispute Settlement).

Chapter 11: Intellectual property

Article 11.1: Objectives

The objectives of this Chapter are to:

- (a) maintain a balance between the rights of intellectual property right holders and the legitimate interests of intellectual property users with regard to intellectual property;
- (b) facilitate international trade and economic, social and cultural development through the dissemination of ideas, technology and creative works; and
- (c) facilitate the enforcement of intellectual property rights with a view, among other things, to eliminating trade in goods infringing intellectual property rights.

Article 11.2: Affirmation of International Agreements

1. The Parties affirm their rights and obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and other intellectual property agreements to which both Parties are party.

2. The Parties confirm that the TRIPS Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public

- (b) 拟议修改属于第3(a)条项下的轻微调整或纠正；或
- (c) 拟议修改涉及缔约方已根据第3(b)条有效消除控制或影响的实体，

该缔约方应在收到第2(a)条所述通知后30天内提出书面反对，否则视为已接受调整或拟议修改（包括为第17章（争端解决）之目的）。

第11章：知识产权

第11.1条：目标

本章的目标是：

- (a) 在知识产权权利持有人的权利与知识产权使用者关于知识产权的合法利益之间保持平衡；
- (b) 通过思想、技术和创意作品的传播促进国际贸易及经济、社会和文化发展；及
- (c) 促进知识产权执法，除其他外，旨在消除侵犯知识产权的货物贸易。

第11.2条：国际协议的确认

1. 缔约方确认其在世界贸易组织《与贸易有关的知识产权协议》(TRIPS协议)及双方均为缔约方的其他知识产权协议下的权利和义务。

2. 缔约方确认，TRIPS协议能够且应当以支持WTO成员保护公众权利的方式进行解释和实施。

health and, in particular, to promote access to medicines for all. In this regard, the Parties affirm the right to fully avail themselves of the flexibilities established in the TRIPS Agreement, including those related to the protection of public health and in particular the promotion of access to medicines for all. The Parties take note of the WTO's General Council Decision on the *Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health* of 30 August 2003 and the *Protocol amending the TRIPS Agreement* adopted 6 December 2005.

Article 11.3: Protection of Geographical Indications

1. This Article concerns the protection in each of the Parties of geographical indications of wines and spirits originating in the territory of the other Party.
2. Part A of Annex I contains geographical indications originating and protected in Canada. The terms listed in Part A of Annex I are eligible for registration as protected geographical indications in Ukraine.
3. Part B of Annex I contains geographical indications originating and protected in Ukraine. The terms listed in Part B of Annex I are eligible for registration as protected geographical indications in Canada.
4. In order to secure protection, the authorities responsible for particular geographical indications in each Party shall apply for registration for protection in the territory of the other Party, in accordance with the procedures and requirements prescribed by the law of the other Party. The protection by each Party of these geographical indications shall be in accordance with Articles 22 through 24 of the TRIPS Agreement and subject to the exceptions provided in Article 24 of the TRIPS Agreement.
5. Each Party may adopt or maintain procedures that provide for the cancellation of the protection afforded to a geographical indication within its territory.
6. If a geographical indication of a Party listed in Annex I ceases to be protected in the territory of its place of origin or falls into disuse in that place, that Party shall notify the other Party and request cancellation of the registration.
7. In accordance with the procedure established in paragraph 9, the Joint Commission established under Article 16.1 (Joint Commission) may amend Annex I by removing a geographical indication of a wine or spirit which has ceased to be protected, or has fallen into disuse in Canada from Part A, or a geographical indication of a wine and spirit which has ceased to be protected, or has fallen into disuse in Ukraine from Part B.
8. In accordance with the procedure established in paragraph 9, the Joint Commission may amend Annex I by adding a geographical indication of a wine or

health,特别是促进全民药物获取的权利。为此，缔约方重申其有权充分利用TRIPS协议中确立的灵活性，包括与公共卫生保护特别是促进全民药物获取相关的条款。缔约方注意到WTO总理事会关于*TRIPS*协议与公共卫生多哈宣言第6段实施的2003年8月30日决定以及2005年12月6日通过的*TRIPS*协议修正议定书。

条款11.3：地理标志保护

1. 本条涉及各缔约方对源自另一缔约方领土的葡萄酒和烈酒地理标志的保护。
2. 附件一A部分包含源自加拿大并受其保护的地理标志。附件一A部分所列术语有资格在乌克兰注册为受保护的地理标志。
3. 附件一B部分包含源自乌克兰并受其保护的地理标志。附件一B部分所列术语有资格在加拿大注册为受保护的地理标志。
4. 为获得保护，各缔约方负责特定地理标志的主管部门应根据另一缔约方法律规定的程序和要求，向该另一缔约方领土申请注册保护。各缔约方对这些地理标志的保护应符合TRIPS协议第22至24条的规定，并受TRIPS协议第24条所规定例外的约束。
5. 各缔约方可制定或维持相关程序，规定在其领土内取消对地理标志的保护。
6. 如缔约方列入附件一的地理标志在其原产地领土内不再受保护或在该地废弃使用，该缔约方应通知另一缔约方并请求取消注册。
7. 根据第9款规定的程序，第16.1条（联合委员会）设立的联合委员会可通过以下方式修订附件一：从A部分删除在加拿大境内不再受保护或已废弃使用的葡萄酒或烈酒地理标志，或从B部分删除在乌克兰境内不再受保护或已废弃使用的葡萄酒和烈酒地理标志。
8. 根据第9款规定的程序，联合委员会可通过向A部分添加源自加拿大并受保护的葡萄酒或

spirit originating and protected in Canada to Part A, and a geographical indication of a wine or a spirit originating and protected in Ukraine to Part B.

9. The Joint Commission, when exercising its powers of paragraph 7 or 8, shall act by consensus and on a recommendation by the Committee on Intellectual Property established under Article 11.12.

Article 11.4: Enforcement of Intellectual Property Rights

1. Each Party shall ensure that enforcement procedures are available under its legislation so as to permit effective action against any act of infringement of intellectual property rights^{Footnote1}, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements. These procedures shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.
2. Procedures concerning the enforcement of intellectual property rights shall be fair and equitable. They shall not be unnecessarily complicated or costly, or entail unreasonable time-limits or unwarranted delays.

Article 11.5: Criminal Procedures

Each Party shall provide for criminal procedures and penalties to be applied at least in cases of wilful trademark counterfeiting or copyright piracy on a commercial scale. Remedies available shall include either imprisonment or monetary fines or both, sufficient to provide a deterrent, consistent with the level of penalties applied for crimes of a corresponding gravity. In appropriate cases, remedies available shall also include the seizure, forfeiture and destruction of the infringing goods and any materials or implements the predominant use of which has been in the commission of the offence. Each Party may provide for criminal procedures and penalties to be applied in other cases of infringement of intellectual property rights, in particular when they are committed wilfully and on a commercial scale.

Article 11.6: Camcording

1. Each Party shall provide for criminal procedures and penalties to be applied in accordance with that Party’s laws and regulations for the unauthorised copying of a cinematographic work, or any part thereof, from a performance in a movie theatre.
2. For an offence specified in paragraph 1, each Party shall provide penalties that include imprisonment as well as monetary fines^{Footnote2} sufficiently high to provide

烈酒的地理标志，以及向B部分添加源自乌克兰并受保护的葡萄酒或烈酒的地理标志，来修订附件一。

9. 联合委员会在行使第7款或第8款权力时，应基于第11.12条设立的知识产权委员会的建议，以协商一致方式行事。

第11.4条：知识产权执法

1. 各缔约方应确保其立法下提供执法程序，以便对任何知识产权侵权行为采取有效行动^{Footnote}，包括防止侵权的快速救济措施和构成进一步侵权威慑的救济措施。此类程序的适用应避免对合法贸易造成障碍，并提供防止滥用的保障。
2. 知识产权执法程序应公平公正。这些程序不应过于复杂或昂贵，也不应包含不合理的时间限制或无故延误。

第11.5条：刑事程序

各缔约方应规定至少对故意商标假冒或商业规模的版权盗版案件适用刑事程序及处罚。可用的救济措施应包括监禁或罚款或两者并处，其力度应与相应严重性犯罪的处罚水平一致，以达到威慑效果。在适当情况下，可用救济还应包括扣押、没收和销毁侵权商品及主要用于实施违法行为的主要材料或工具。各缔约方可规定对其他知识产权侵权行为适用刑事程序及处罚，特别是当这些行为系故意且以商业规模实施时。

条款11.6：盗录

1. 每一缔约方应根据其缔约方法律和规章，针对在电影院放映期间未经授权复制电影作品或其任何部分的行为，规定适用的刑事程序和处罚。
2. 对于第1款中规定的违法行为，每一缔约方均应规定包括监禁和^{Footnote}足够高的罚款在内的处罚，以提供

a deterrent against future acts of infringement, consistent with the level of penalties applied for crimes of a corresponding gravity.

Article 11.7: Special Measures Against Copyright Infringers on the Internet or other Digital Networks

- 1. Each Party’s civil and criminal enforcement procedures shall apply to infringement of copyright or related rights on the Internet or other digital networks, which may include the unlawful use of means of widespread distribution for infringing purposes.
- 2. A Party may provide its competent authorities, in accordance with its law, with the authority to order an online service provider to disclose expeditiously to a right holder information sufficient to identify a subscriber whose account was allegedly used for infringement, if that right holder has filed a legally sufficient claim for copyright or related rights infringement, and if that information is being sought for the purpose of protecting or enforcing those rights.
- 3. Each Party shall endeavour to promote cooperative efforts within the business community to effectively address copyright or related rights infringement while preserving legitimate competition and, consistent with that Party’s domestic law, preserving fundamental principles such as freedom of expression, fair process, and privacy.
- 4. Each Party shall adopt or maintain measures to curtail copyright and related right infringement on the Internet or other digital network.
- 5. Each Party shall implement the procedures referred to in this Article in a manner that avoids the creation of barriers to legitimate activity, including electronic commerce and, consistent with that Party’s law, preserves fundamental principles such as freedom of expression, fair process, and privacy.[Footnote3](#)

Article 11.8: Special Requirements Related to Border Measures

- 1. For the purposes of this Article, goods infringing an intellectual property right mean counterfeit trademark goods or pirated copyright goods as defined in footnote 14 of Article 51 of the TRIPS Agreement.[Footnote4](#)
- 2. Each Party shall permit its competent authorities to request that right holder supply relevant information to assist in taking the border measures referred to in

与相应严重性犯罪所适用处罚水平相一致的威慑，防止未来侵权行为的发生。

第11.7条：针对互联网或其他数字网络上版权侵权者的特殊措施

- 1. 各缔约方的民事和刑事执行程序应适用于互联网或其他数字网络上的版权或相关权利侵权行为，这可能包括为侵权目的而非法使用广泛传播手段的行为。
- 2. 缔约方可依据其法律，授权其主管当局命令在线服务提供商迅速向权利持有人披露足以识别涉嫌用于侵权的订阅者的信息，前提是该权利持有人已提出法律上充分的版权或相关权利侵权索赔，且该信息是为保护或执行这些权利而寻求的。
- 3. 各缔约方应努力促进商业社区内的合作，以有效应对版权或相关权利侵权行为，同时维护合法竞争，并符合该缔约方的国内法，保护言论自由、公平程序和隐私等基本原则。
- 4. 各缔约方应采取或维持措施，以减少互联网或其他数字网络上的版权和相关权利侵权行为。
- 5. 各缔约方应以避免对合法活动（包括电子商务）造成障碍的方式实施本条所述程序，并符合该缔约方法律，保留诸如言论自由、公平程序和隐私等基本原则。[Footnote](#)

第11.8条：与边境措施相关的特殊要求

- 1. 就本条而言，侵犯知识产权的货物指TRIPS协议第51条脚注14所定义的假冒商标货物或盗版版权商品。[Footnote](#)
- 2. 每一缔约方应允许其主管当局请求权利持有人提供相关信息，以协助采取本条所述的边境措施。

this Article. A Party may also allow a right holder to supply relevant information to its competent authorities.

3. Each Party shall adopt or maintain procedures with respect to import and export shipments^{Footnote 5} under which its competent authorities may act upon their own initiative to suspend the release of, or to detain, goods suspected of infringing an intellectual property right.

4. Each Party shall adopt or maintain procedures with respect to import and export shipments under which a right holder may request the competent authorities of the Party providing the procedures to suspend the release of, or to detain, goods suspected of infringing an intellectual property right.

5. Each Party may provide that, if the applicant has abused the procedures described in this Article or if there is due cause, that Party's competent authorities have the authority to deny, suspend, or void the application.

6. Each Party shall adopt or maintain procedures by which its competent authorities may determine, within a reasonable period of time after the initiation of the procedures described in paragraph 3 or 4, if the goods suspected of infringing an intellectual property right infringe an intellectual property right.

7. Each Party may exclude from the application of this Article small quantities of goods of a non-commercial nature contained in travellers' personal luggage or sent in small consignments.

Article 11.9: Cooperation on Enforcement of Intellectual Property Rights

1. The Parties recognize the challenges related to the enforcement of intellectual property rights, particularly in trans-border contexts. The Parties shall endeavour to cooperate, as appropriate, to stem the economic and social costs of trade-mark counterfeiting and copyright piracy in accordance with each Party's law.

2. Each Party shall endeavour to encourage the development of expertise for the enforcement of intellectual property rights. The Parties shall also endeavour to exchange information and share best practices in areas of mutual interest relating to the enforcement of intellectual property rights in accordance with each Party's domestic law.

3. The Parties' respective competent authorities may cooperate, as appropriate, to better identify and target the inspection of shipments suspected of containing certain counterfeit trademark or pirated copyright, and, in doing so, endeavour to:

- (a) share information on innovative approaches that may be developed to provide greater analytical targeting of shipments that could contain counterfeit or pirated goods; and

缔约方也可允许权利持有人向其主管当局提供相关信息。

3. 各缔约方应针对进出口货物采取或维持相关程序^{Footnote 5}，使其主管当局可依职权中止放行或扣押涉嫌侵犯知识产权的货物。

4. 各缔约方应针对进出口货物采取或维持相关程序，使权利持有人可请求提供该程序的缔约方的主管当局中止放行或扣押涉嫌侵犯知识产权的货物。

5. 各缔约方可规定，若申请人滥用本条款所述程序或有正当理由，该缔约方的主管当局有权拒绝、中止或撤销申请。

6. 各缔约方应采取或维持相关程序，使其主管当局能在启动第3款或第4款所述程序后的合理期限内，判定涉嫌侵犯知识产权的货物是否构成侵权。

7. 各缔约方可排除将本条适用于旅客个人行李中携带或通过小件托运发送的非商业性质的少量货物。

条款11.9：知识产权执法合作

1. 缔约方认识到知识产权执法面临的挑战，尤其是在跨境环境中。缔约方应酌情努力合作，根据各缔约方法律遏制商标假冒和版权盗版的经济和社会成本。

2. 各缔约方应努力鼓励发展知识产权执法方面的专业知识。缔约方还应努力根据各缔约方国内法，在知识产权执法相关共同感兴趣的领域交流信息和分享最佳实践。

3. 缔约方各自的主管当局可酌情合作，以更好地识别和针对涉嫌含有某些假冒商标或盗版版权的货物进行查验，并在此过程中努力：

- (a) 分享可能开发的创新方法信息，以提供对可能含有假冒或盗版商品的货物更精准的分析定位；以及

- (b) share information and intelligence regarding shipments of suspected counterfeit trademark or pirated copyright goods in appropriate cases.

Article 11.10: Other Areas of Cooperation

Recognizing the growing importance of intellectual property rights in promoting innovation, social, economic, and cultural development, as well as economic competitiveness in a knowledge based economy, the Parties endeavour to cooperate, subject to availability of resources, in the field of intellectual property in areas of mutual interest.

Article 11.11: Designation of Contact Points

Each Party shall designate a Contact Point to facilitate communications between the Parties on intellectual property, and shall notify the other Party of the Contact Point and any changes to the Contact Point.

Article 11.12: Committee on Intellectual Property

1. The Parties hereby establish a Committee on Intellectual Property (Committee) composed of representatives of each Party with expertise in intellectual property.
2. The Committee shall be co-chaired by a representative of each Party.
3. The Committee shall:
 - (a) discuss topics relevant to the protection and enforcement of intellectual property rights covered by this Chapter, and any other relevant issue as mutually decided by the Parties;
 - (b) provide a forum for consultations pursuant to Article 11.15;
 - (c) oversee the Parties’ cooperation under this Chapter; and
 - (d) make any recommendation to the Joint Commission established under Article 16.1 (Joint Commission) to amend Annex I pursuant to Article 11.3.9.
4. The Parties shall endeavour to increase opportunities for cooperation in the field of intellectual property. This cooperation may include:
 - (a) promoting the development of contacts among the Parties’ respective competent authorities that have an interest in the field of intellectual property;
 - (b) exchanging information on:
 - (i) each Party’s legislation, procedures, policies, activities, and experiences in the field of intellectual property,

- (b) 在适当情况下分享关于涉嫌假冒商标或盗版版权商品货物的情报信息。

第11.10条：其他合作领域

认识到知识产权在促进创新、社会、经济和文化发展以及知识经济中的经济竞争力方面日益增长的重要性，缔约方在资源允许的情况下，努力在共同感兴趣的知识产权领域开展合作。

第11.11条：联络点的指定

每一缔约方应指定一个联络点，以便利缔约方之间就知识产权问题进行沟通，并应将联络点及其任何变更通知另一缔约方。

第11.12条：知识产权委员会

1. 缔约方特此设立一个知识产权委员会（委员会），由每一缔约方具有知识产权专业知识的代表组成。
2. 委员会应由各缔约方的一名代表共同主持。
3. 委员会应：
 - (a) 讨论与本章节所涉知识产权保护和执行相关的议题，以及缔约方共同决定的任何其他相关事项；
 - (b) 根据第11.15条提供磋商论坛；
 - (c) 监督缔约方在本章节下的合作；以及
 - (d) 向根据第16.1条（联合委员会）设立的联合委员会提出任何修订附件一的建议，依据第11.3.9条。
4. 缔约方应努力增加知识产权领域合作的机会。此类合作可包括：
 - (a) 促进对知识产权领域感兴趣的缔约方各自主管当局之间联系的发展；
 - (b) 就以下方面交流信息：
 - (i) 各缔约方在知识产权领域的立法、程序、政策、活动和经验，

- (ii) the implementation of intellectual property systems aimed at promoting the efficient registration of intellectual property rights, and
- (iii) appropriate initiatives to promote public awareness of intellectual property rights.

5. With the exception of consultations pursuant to Article 11.15, the Committee shall meet as mutually decided by the Parties. Committee meetings may be held in person, by videoconference, by telephone, or by other means.

Article 11.13: Transparency

With the aim of making the protection and enforcement of intellectual property rights transparent, each Party shall ensure that its laws, regulations, and procedures concerning intellectual property rights are published or otherwise made available in a manner that enables the other Party or any interested person to become acquainted with them.

Article 11.14: Disclosure of Information

This Chapter does not require a Party to disclose information that would impede law enforcement, be contrary to its law, or that is exempt from disclosure under its law.

Article 11.15: Consultations

1. Either Party may request consultations with the other Party regarding any actual or proposed measure, or any other matter which that Party considers might negatively affect intellectual property interests.

2. Upon a request pursuant to paragraph 1, the Parties shall consult each other within the framework of the Committee established under Article 11.12 to consider ways of reaching a mutually satisfactory solution. In doing so, each Party shall:

- (a) endeavour to provide sufficient information to enable a full examination of the matter; and
- (b) maintain the confidentiality of the information provided by the other Party in the course of consultations.

3. Consultations within the framework of the Committee shall be conducted within 60 days following the request for consultations.

4. If the Parties are unable to reach a mutually satisfactory solution pursuant to the consultations under paragraph 2, either Party may refer the matter to the Joint Commission established under Article 16.1 (Joint Commission).

- (ii) 旨在促进知识产权高效注册的知识产权制度的实施，以及
- (iii) 提高公众知识产权意识的适当举措。

5. 除依据第11.15条进行的磋商外，委员会应按照缔约方共同决定的方式召开会议。委员会会议可通过面对面、视频会议、电话或其他方式举行。

第11.13条：透明度

为确保知识产权保护和执法的透明度，每一缔约方应确保其关于知识产权的法律、规章和程序以可使另一缔约方或任何利害关系人知晓的方式公布或以其他方式提供。

第11.14条：信息披露

本章不要求一缔约方披露会妨碍执法、违反其法律或根据其法律免于披露的信息。

第11.15条：磋商

1.任一缔约方可就任何实际或拟议措施，或该缔约方认为可能对知识产权利益产生负面影响的任何其他事项，请求与另一缔约方进行磋商。

2.根据第1款提出请求后，缔约双方应在第11.12条设立的委员会框架内进行磋商，以寻求达成双方满意的解决方案。在此过程中，各缔约方应：

- (a)尽力提供充分信息以便全面审查该事项；及
- (b)对磋商过程中另一缔约方提供的信息保持保密性。

3.委员会框架内的磋商应在收到磋商请求后60天内进行。

4. 如缔约方无法根据第2款下的磋商达成双方满意的解决方案，任一缔约方可将该事项提交根据第16.1条（联合委员会）设立的联合委员会。

Article 11.16: Dispute Settlement

A Party shall not have recourse to dispute settlement under Chapter 17 (Dispute Settlement) for any matter arising under this Chapter.

Annex I – List of Wines and Spirits Eligible for Protection as Geographical Indications in the Territory of the Parties

Part A – Geographical Indications of Canada

(a) For wines:

- BC Gulf Islands
- Beamsville Bench
- British Columbia
- Creek Shores
- Fraser Valley
- Four Mile Creek
- Lake Erie North Shore
- Lincoln Lakeshore
- Niagara Escarpment
- Niagara Lakeshore
- Niagara Peninsula
- Niagara River
- Niagara-on-the-Lake
- Okanagan Valley
- Ontario
- Ontario Icewine
- Prince Edward County
- Similkameen Valley
- Short Hills Bench
- St. David’s Bench
- Twenty Mile Bench
- Vancouver Island
- Vinemount Ridge

(b) For Spirits

- Canadian Rye Whisky

第11.16条：争端解决

缔约方不得就本章项下产生的任何事项诉诸第17章（争端解决）下的争端解决机制。

附件一 - 缔约方领土内可作为地理标志保护的葡萄酒和烈酒清单

A部分 - 加拿大的地理标志

(a) 葡萄酒类：

- BC海湾群岛 • 比姆斯维尔本奇 • 不列颠哥伦比亚 • 克里克肖尔斯 • 弗雷泽河谷 • 四英里溪 • 伊利湖北岸 • 林肯湖岸 • 尼亚加拉悬崖 • 尼亚加拉湖岸 • 尼亚加拉半岛 • 尼亚加拉河 • 湖滨尼亚加拉 • 奥卡纳根河谷 • 安大略 • 安大略冰酒 • 爱德华王子县 • 西米尔卡米恩河谷 • 肖特希尔斯本奇 • 圣大卫本奇 • 二十英里本奇 • 温哥华岛 • 瓦因芒特岭

(b) 烈酒类

- 加拿大黑麦威士忌

- Canadian Whisky

Part B – Geographical Indications of Ukraine

(a) For wines:

- Tavriya
- Sonyachna dolyna
- Novyisvit
- Meganom
- Magarach
- Zolota Balka
- Balaklava

(b) For spirits:

- Tavriya

Footnotes

Footnote 1

For the purposes of this Chapter, intellectual property rights refer to all categories of intellectual property rights that are the subject of Sections 1 through 7 of Part II of the TRIPS Agreement.

[Return to footnote1referrer](#)

Footnote 2

For greater certainty, there is no obligation for a Party to provide for the possibility of imprisonment and monetary fines to be imposed in parallel.

[Return to footnote2referrer](#)

Footnote 3

For instance, the procedures in this Article are without prejudice to a Party’ s law, adopting or maintaining a regime providing for limitations on the liability of, or on the remedies available against, online service providers while preserving the legitimate interests of right holders.

[Return to footnote3referrer](#)

Footnote 4

- 加拿大威士忌

B部分 - 乌克兰地理标志

(a) 对于葡萄酒:

- 塔夫里亚
- 索尼奇纳山谷
- 新斯维特
- 梅加诺姆
- 马加拉赫
- 佐洛塔巴尔卡
- 巴拉克拉瓦

(b) 对于烈酒:

- 塔夫里亚

脚注

脚注 1

就本章而言，知识产权指TRIPS协议第二部分第1节至第7节所涉所有类别的知识产权。

[返回脚注1referrer](#)

脚注 2

为进一步明确，缔约方无义务规定可并行实施监禁和罚款。

[返回脚注2referrer](#)

脚注3

例如，本条款中的程序不影响缔约方法律，采用或维持一种制度，规定对在线服务提供商的责任或可获得的补救措施的限制，同时保护权利持有人的合法利益。

[返回脚注3referrer](#)

脚注4

Footnote 14 of the TRIPS Agreement contains the following definitions:

- (a) “counterfeit trademark goods” shall mean any goods, including packaging, bearing without authorization a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark, and which thereby infringes the rights of the owner of the trademark in question under the law of the country of importation;
- (b) “pirated copyright goods” shall mean any goods which are copies made without the consent of the right holder or person duly authorized by the right holder in the country of production and which are made directly or indirectly from an article where the making of that copy would have constituted an infringement of a copyright or a related right under the law of the country of importation.

Footnote 5

For greater certainty, reference to “import and export shipments” referenced in this Article need not include shipments moving “in-transit”.

Chapter 12: Environment

Article 12.1: Definitions

1. For the purposes of this Chapter:

Committee means the Committee on the Environment established by

Article 12.16;

environmental laws means any statute or regulation of a Party or provisions thereof, including legally binding instruments thereunder,

TRIPS协议的脚注14包含以下定义:

- (a) “假冒商标商品”指任何未经授权载有与在该类商品上有效注册商标相同、或在实质特征上无法区分的商标，并因此侵犯进口国法律下该商标所有权人权利的商品，包括包装；
- (b)“盗版版权商品”指任何未经权利持有人或生产国权利持有人正式授权之人同意，直接或间接复制某一物品而成的复制品，而该复制行为依据进口国法律将构成侵犯版权或相关权利的商品。

Footnote 5

为更明确起见，本条款所述“进出口货物”不必包括“过境运输”中的货物。

第12章：环境

第12.1条：定义

1. 就本章而言：

委员会指根据

第12.16条设立的环境委员会；

环境法 指一缔约方的任何法规或规章或其条款，包括其项下具有法律约束力的