

CHAPTER 5

PROTECTION OF INTELLECTUAL PROPERTY

ARTICLE 5

Protection of Intellectual Property

1. 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, Annex XII and the international agreements referred to therein.
2. With regard to the protection of intellectual property, the Parties shall accord to each other's nationals¹⁸ treatment no less favourable than that they accord to their own nationals. Exemptions from this obligation must be in accordance with the substantive provisions of Articles 3 and 5 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the "TRIPS Agreement").
3. With regard to the protection of intellectual property, the Parties shall accord to each other's nationals treatment no less favourable than that they accord to nationals of any non-party. Exemptions from this obligation must be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5 thereof.
4. The Parties agree, upon request of any Party to the Joint Committee, to review the provisions contained in this Article and Annex XII, with a view to further developing adequate levels of protection and implementation.

¹⁸ For the purposes of this Chapter, the interpretation of "nationals" according to footnote 1 of the TRIPS Agreement applies.