

CHAPTER 10

INTELLECTUAL PROPERTY

ARTICLE 10

Protection of Intellectual Property Rights

1. The State 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, including counterfeiting and piracy, in accordance with this Chapter, Annex XVII (Protection of Intellectual Property Rights), the Appendix to Annex XVII (Geographical Indications) and the international agreements referred to in paragraph 1 of Article 2 of Annex XVII.
2. Each State Party shall be free to determine the appropriate method of implementing this Chapter, Annex XVII (Intellectual Property Rights) and the Appendix (Geographical Indications) within its own legal system and practice.
3. The State Parties shall accord to each other's nationals treatment no less favourable than that it accords:
 - (a) to its own nationals, subject to the exceptions provided for in Article 3 and 5 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement); and
 - (b) to nationals of a non-Party. Exemptions from this obligation shall be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5.
4. This Chapter, Annex XVII (Intellectual Property Rights), and the Appendix (Geographical Indications) shall not affect the freedom of the State Parties to determine whether and under which conditions the exhaustion of intellectual property rights applies.
5. As objectives of this Chapter and Annex, the State Parties recognise that intellectual property rights incentivise research, development and creative activity with a view to promoting economic and social development, fair competition, control of anti-competitive practices, public health, the public domain, as well as the transfer of technology and the dissemination of knowledge. The State Parties acknowledge that the protection and enforcement of intellectual property rights should strike a balance between the legitimate interest of the right holders, society and the public at large.
6. Upon request of a State Party, the Joint Committee shall review this Chapter, Annex XVII (Intellectual Property Rights) and the Appendix (Geographical Indications), with a view to further improving the levels of protection and to avoiding or remedying trade distortions caused by actual levels of protection of intellectual property rights.