

EU-JAPAN ECONOMIC PARTNERSHIP AGREEMENT

CHAPTER ... INTELLECTUAL PROPERTY

SECTION A GENERAL PROVISIONS

Article 1 Initial Provisions

1. In order to facilitate the production and commercialisation of innovative and creative products and the provision of services between the Parties and increase the benefits from trade and investment, the Parties shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property and provide for measures for the enforcement of intellectual property rights against infringement thereof, including counterfeiting and piracy, in accordance with the provisions of this Chapter and the international agreements to which both Parties are party.
2. A Party may, but shall not be obliged to, provide more extensive protection for, or enforcement of, intellectual property rights under its law than is required by this Chapter, provided that such protection or enforcement does not contravene the provisions of this Chapter.
3. For the purposes of this Chapter “intellectual property” means all categories of intellectual property that are subject of:
 - (i) Article 8 through 39 of this Chapter ; and/or
 - (ii) Sections 1 through 7 of Part II of the TRIPS Agreement.

The protection of intellectual property includes protection against unfair competition as referred to in Article 10bis of the Paris Convention for the Protection of Industrial Property.

4. The objectives and principles set forth in Part I of the TRIPS Agreement, in particular in Article 7 (Objectives) and Article 8 (Principles) shall apply to this Chapter, *mutatis mutandis*.

Article 2 Agreed Principles

- amended on October 3, 2006; and
- (j) the Patent Cooperation Treaty, done at Washington on June 19, 1970, as amended on October 3, 2001.
3. Each Party shall make all reasonable efforts to ratify or accede to the following multilateral agreements, if, by the date of entry into force of this Agreement, it is not already a party to that agreement:
- (a) the Patent Law Treaty adopted at Geneva on June 1, 2000; the Trademark Law Treaty adopted at Geneva on October 27, 1994;
 - (b) the Singapore Treaty of the Law of Trademarks adopted at Singapore on 27 March, 2006;
 - (c) the Geneva Act to the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;
 - (d) the Beijing Treaty on Audiovisual Performances adopted at Beijing on June 24, 2012; and
 - (e) the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled adopted at Marrakesh on June 27, 2013.

Article 4 **National Treatment¹**

1. In respect of all categories of intellectual property covered in this Chapter, each Party shall accord to nationals of the other Party treatment no less favorable than the treatment it accords to its own nationals with regard to the protection of intellectual property subject to the exceptions already provided in, respectively, the Paris Convention, the Berne Convention, the Rome Convention or the Treaty of Intellectual Property in respect of Integrated Circuits. In respect of performers, producers of phonograms and broadcasting organizations, this obligation only applies in respect of the rights provided under this Agreement.

2. The obligations under this paragraph 1 shall also be subject to exceptions provided under Article 5 of the TRIPS Agreement.

Article 5

¹ For the purposes of this Article and Article 5:

(a) the term “nationals” shall have the same meaning as in the TRIPS Agreement; and

(b) the term “protection” shall include matters affecting the availability, acquisition, scope, maintenance and enforcement of intellectual property rights as well as those matters affecting the use of intellectual property rights specifically addressed in this Chapter.

SECTION B
STANDARDS CONCERNING INTELLECTUAL PROPERTY

SUB-SECTION A
COPYRIGHT AND RELATED RIGHTS

Article 8
Authors

The Parties shall provide for authors the exclusive right to authorise or prohibit:

- direct or indirect reproduction by any means and in any form, in whole or in part of their works;
- any form of distribution to the public by sale or otherwise of the original of their works or of copies thereof, provided that the Parties may determine the conditions, if any, under which the exhaustion of the right in this provision applies after the first sale or other transfer of ownership of the original or a copy of the work with authorization of the author; and
- any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them.

Article 9
Performers

The Parties shall provide for performers the exclusive right to authorise or prohibit:

- the fixation of their performances;
- direct or indirect reproduction by any means and in any form, in whole or in part of fixations of their performances;
- the distribution to the public, by sale or otherwise, fixations of their performances in phonograms provided that the Parties may determine the conditions, if any, under which the exhaustion of the right in this provision applies after the first sale or other transfer of ownership of the original or a copy of the fixed performance with the authorization of the performer;
- the making available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them of fixations of their performances; and
- the broadcasting by wireless means and the communication to the public of their performances, except where the performance is itself already a broadcast performance or is made from a fixation.

Article 10
Producers of Phonograms

The Parties shall provide for phonogram producers the exclusive right to authorise or

Term of Protection

1. The rights of an author of a literary or artistic work within the meaning of Article 2 of the Berne Convention shall run for the life of the author and for 70 years after the author's death, irrespective of the date when the work is lawfully made available to the public.

1.1. Whenever the term of protection for the rights referred to in paragraph 1 is calculated on a basis other than the life of a natural person, such term shall be no less than 70 years after the work is lawfully made available to the public. Failing such making available within 70 years after the creation of the work, such protection shall be no less than 70 years from the work's creation.

2. The rights of performers shall expire not less than 50 years after the date of the performance.

3. The rights of producers of phonograms shall last, at least, until the end of the period of 70 years calculated from the end of the year in which the phonogram was published, or failing such publication within at least 50 years from the fixation of the phonogram, at least 50 years from the end of the year in which the fixation was made⁴.

4. The term of protection for rights in broadcasts shall expire not less than 50 years after the first transmission of the broadcast.

5. The terms laid down in this Article shall be calculated from the first of January of the year following the year of the event which gives rise to them.

[Negotiator's Note] Japan will extend the term of protection referred to in paragraphs 1 through 3 from 50 years to 70 years, provided that the EU will address the wartime prolongation matter simultaneously.

Article 14 **Exceptions and Limitations**

The Parties may provide for limitations or exceptions to the rights set out in Articles 8 to 12 only in certain special cases which do not conflict with a normal exploitation of the subject matter and do not unreasonably prejudice the legitimate interests of the right holders in accordance with the conventions and international agreements to which they are Parties.

Article 15

⁴ The Parties may adopt effective measures in order to ensure that the profit generated during the 20 years of protection beyond 50 years are shared fairly between the performers and producers of phonograms.

above shall not prejudice any existing prior rights, nor shall they affect the possibility of the Parties making rights available on the basis of use.

Article 19 **Exceptions**

The Parties shall provide for limited exceptions to the rights conferred by a trademark such as the fair use of descriptive terms⁶ and they may provide other limited exceptions, provided such exceptions take account of the legitimate interests of the owner of the trademark and of third parties.

Article 20 **Preparatory Acts Deemed as Infringement**

With regard to labels and packaging, each Party shall provide that at least the following acts shall be deemed as an infringement of a registered trademark if the act has been performed without the consent of the registered trademark owner:

- (a) manufacture;
- (b) importation; and
- (c) presenting⁷

of labels or packaging bearing⁸ a sign which is identical or similar to the registered trademark, for the purpose of using such sign or causing it to be used in the course of trade for goods or services which are identical or similar to those in respect of which the trademark is registered.

Article 21 **Well-known Trademarks**

For the purpose of giving effect to protection of well-known trademarks, as referred to in Article 6bis of the Paris Convention and paragraphs 2 and 3 of Article 16 of the TRIPS Agreement, the Parties reaffirm the importance of the Joint Recommendation

⁶ The fair use of descriptive terms includes the use of a sign to indicate the geographic origin of the goods or services, and where such use is in accordance with honest practices in industrial or commercial matters.

⁷ For the purpose of this Article, the European Union considers “presenting” as “offering” or “putting on the market” and Japan considers “presenting” as “assignment”.

⁸ For Japan, for the purpose of this paragraph, “bearing” means “indicating”.

- (a) an official means to make available to the public the list of registered geographical indications;
- (b) an administrative process to verify that a geographical indication to be registered as referred to in subparagraph 2(a) identifies a good as originating in the territory of a Party, or a region or locality in that Party's territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin;
- (c) an opposition procedure that allows the legitimate interests of third parties to be taken into account; and
- (d) a procedure for the cancellation¹² of the protection of a geographical indication, taking into account the legitimate interests of third parties and the users of registered geographical indications in question¹³.

Article 24

Listed Geographical Indications

1. Following the completion of an opposition procedure and an examination of the geographical indications of the Union listed in Part A of Annex XY (List of Geographical Indications), Japan shall recognise that those indications are geographical indications within the meaning of paragraph 1 of Article 22 of the TRIPS Agreement and that they have been registered by the Union under the system referred to in Article 23 (System of Protection of Geographical Indications). Japan shall protect those geographical indications in accordance with this Sub-Section.
2. Following the completion of an opposition procedure and an examination of the geographical indications of Japan listed in Part B of Annex XY (List of Geographical Indications), the Union shall recognise that those indications are geographical indications within the meaning of paragraph 1 of Article 22 of the TRIPS Agreement and that they have been registered by Japan under the system referred to in Article 23 (System of Protection of Geographical Indications). The Union shall protect those geographical indications in accordance with this Sub-Section.

Article 25

¹² For the purpose of this Sub-Section (Geographical Indications), with respect to Japan, “cancellation” may be deemed to be synonymous with “exemption from protection” under its relevant laws and regulations.

¹³ Without prejudice to its domestic legislation on the system referred to in paragraph 1, each Party shall provide for legal means for the invalidation of the registration of geographical indications.

Agreement, that Party shall inform no later than the date of the publication for opposition, the other Party of the opportunity to comment provided that such opposition procedure for the relevant geographical indication of the non-Party to be protected commences after the date of the entry into force of this Agreement.

4. In the opposition procedure and examination referred to in Article 24, each Party may consider the following grounds for which that Party shall not be required to protect a name as a geographical indication in Annex XY (List of Geographical Indications):
 - a) that name conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product; and
 - b) that name is the term customary in common language as the common name for the product concerned.

Article 26 **Scope of the Use of Geographical Indications**

1. Any person may use any geographical indication protected under this Sub-Section C (Geographical Indications) provided that such use is related to the goods as identified by that geographical indication in compliance with the scope of protection under this Agreement.
2. Once a geographical indication of a Party is protected under this Agreement in the other Party, the legitimate use of such protected name shall not be subject to any user registration or further charges in the other Party.

Article 27 **Relationship with Trademarks**

1. The Parties shall, where a geographical indication is protected under this Sub-Section, refuse to register a trademark the use of which would be likely to mislead as to the quality of the product, provided that an application to register the trademark is submitted after the applicable date as referred to in paragraphs 2 and 3 for protection of the geographical indication in the territory concerned¹⁸.

Trademarks registered in breach of the first subparagraph shall be invalidated.

2. For geographical indications referred to in Article 24 (Listed Geographical Indications) and listed in Annex XY (List of Geographical Indications) as per of

¹⁸ For the purpose of paragraph 1, the examination of the trademark application which is filed in a Party after the date of entry into force of this Agreement or the date of publication for opposition of a geographical indication referred to in Article 24 (Listed Geographical Indications), whichever is later, shall take into account the publication for opposition of the geographical indication.

territory of a particular geographical indication of the other Party as indicated in Annex XY (List of Geographical Indications) identifying wine, spirit or other alcoholic beverage for a like good in connection with goods or services after a transitional period of a maximum of five years from the date of the protection by that Party of the said geographical indication. Products produced in the former Party and concerned by such uses shall bear clear and visible indication of the true geographical origin.

3. Each Party may determine the practical conditions under which such prior use will be differentiated from the geographical indication in its territory, taking into account the need to ensure that consumers are not misled.
4. The transitional period referred to in paragraph 1 shall not apply in case the use of the name for the good concerned which is produced in the territory of the other Party referred to in paragraph 1 does not comply with the relevant domestic laws and regulations as listed in Annex XX (Laws and Regulations of the Parties) of the country of origin of the good [in its territory].
5. Nothing in this Sub-Section C (Geographical Indications) shall prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead the public.

Article 30

Amendment of the Lists of Geographical Indications

1. The Parties agree on the possibility to amend the lists of geographical indications in Annex XY (List of Geographical Indications) in accordance with Article 53 (Committee on Intellectual Property) after having completed the opposition procedure and after having examined the geographical indications as referred to in Article 24 to the satisfaction of both Parties.
2. Paragraph 4 of Article 25 (Scope of Protection of Geographical Indications) shall apply as regards the addition of a name to be protected as geographical indication in Annex XY (List of Geographical Indications).
3. Nothing in this Sub-Section C shall oblige a Party to protect a geographical indication of the other Party which is not or ceases to be protected in accordance with the domestic laws and regulations of that Party. Each Party shall notify the other Party if a geographical indication ceases to be protected in the territory of the Party of origin.
4. On request by any Party, the Parties shall hold consultations for the amendment of the Annex XY (List of Geographical Indications) as regards any matter

5. Each Party shall ensure that an owner of a protected registered industrial design has at least the right to prevent third parties not having the owner's consent from making, selling, importing or exporting articles bearing or embodying a design which is identical or similar to the protected design, when such act is undertaken for commercial purposes.

6. The European Union and Japan shall provide that an applicant for an industrial design registration may request the competent authority to maintain the design unpublished for a period designated by the applicant not exceeding the period provided for in the laws and regulations of the Party.

7. Each Party shall ensure that the total term of protection available for industrial designs is no less than 20 years.

SUB-SECTION E
UNREGISTERED APPEARANCE OF PRODUCTS

Article 32
Unregistered Appearance of Products

1. Each Party recognises that appearance of products may be protected through industrial design, copyright or unfair competition prevention legislation.

2. The European Union and Japan shall provide the legal means to prevent the use of the unregistered appearance of a product, only if such use results from copying the unregistered appearance of the product to the extent provided by the laws and regulations of each Party. Such use shall at least cover offering for sale, putting on the market, importing or exporting the product²⁴.

3. The duration of protection available for the unregistered appearance of a product shall amount to at least three years according to the respective laws and regulations of the Parties.

SUB-SECTION F
PATENTS

Article 33
Patents

²⁴ For the purpose of this Article, the terms “appearances”, “offering”, “putting on the market” and “copying” may be deemed by a Party to be synonymous with the terms “configuration”, “displaying”, “selling” and “imitating”, respectively.

2. The Parties shall contribute to the implementation and respect the Decision of the WTO General Council of 30 August 2003 on Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health.

Article 35

Extension of the Period of Protection Conferred by a Patent on Pharmaceutical Products²⁷ and Agricultural Chemical Products²⁸

With respect to the patent which is granted for an invention related to pharmaceutical products or agricultural chemical products, each Party shall, subject to the terms and conditions of its applicable laws and regulations, provide for a compensatory term of protection for a period during which the patented invention cannot be worked due to marketing approval process. As of the date of signing this Agreement, a maximum of such compensatory term is stipulated as being five years²⁹ by the relevant laws of each Party.

SUB-SECTION G

TRADE SECRETS AND UNDISCLOSED TEST OR OTHER DATA

Article 36

Scope of Protection of Trade Secrets

1. Each Party shall ensure in its laws and regulations adequate and effective protection of trade secrets in accordance with paragraph 2 of Article 39 of the TRIPS Agreement.
2. For purposes of this Article and Sub-section B of Section C (Enforcement of Intellectual Property):

²⁷ The term “pharmaceutical products” refers in this Article, in the case of the European Union, to medicinal products as defined in Regulation (EC) No. 469/2009 of the European Parliament and of the Council of 6 of May, 2009 concerning the supplementary protection certificate for medicinal products.

²⁸ The term “agricultural chemical products” refers in this Article, in the case of the European Union, to plant protection products as defined in Regulation (EC) No. 1610/96 of the European Parliament and of the Council of 23 of July, 1996 concerning the creation of a supplementary protection certificate for plant protection products.

²⁹ In the case of the European Union, a further 6 months extension is possible in the case of medicinal products for which pediatric studies have been carried out, and the results of those studies are reflected in the product information.

or ought, under the circumstances, to have known³⁰ that the trade secret had been obtained directly or indirectly from another person who was disclosing the trade secret in a manner referred to in subparagraph (b), including when a person induced another person to carry out the actions referred to in subparagraph (b).

4. Nothing in this subsection shall require either Party to consider any of the following conducts as contrary to honest commercial practices or subject those conducts to the measures, procedures, and remedies referred to in Sub-section B of Section C:

- (a) independent discovery or creation by a person of the relevant information;
- (b) reverse engineering of a product by a person who is lawfully in possession of it and who is free from any legally valid duty to limit the acquisition of the relevant information;
- (c) acquisition, use or disclosure of information required or allowed by the relevant domestic law;
- (d) use by employees of their experience and skills honestly acquired in the normal course of their employment; or/and
- (e) disclosure of information in the exercise of the right to freedom of expression and information.

Negotiator's note for legal scrubbing: Both Party agreed that these subparagraphs are independent from each other.

Article 37

Treatment of Test Data in Marketing Approval Procedure

1. Each Party shall prevent applicants for marketing approval for pharmaceutical products³¹ which utilise new active pharmaceutical ingredient from relying on or from referring to undisclosed test or other data submitted to its competent authority by the first applicant for a certain period of time counted from the date of approval of that application. As of the date of entry into force of this Agreement, such period of time is stipulated as being no less than six years by the relevant laws of each Party.

³⁰ For the purpose of this Article, a Party may interpret "ought to have known" as "was grossly negligent in failing to know".

³¹ The term "pharmaceutical products" refers in this Article, in the case of the European Union, to medicinal products.

appropriate remedies³⁵ shall be available, in accordance with their respective domestic laws and regulations, at least in cases in which a person registers or holds, with a bad faith intent to profit, a domain name that is identical or confusingly similar to a trademark.

3. Each Party shall provide for effective protection against unauthorized use of trademark through the implementation of paragraph 2 of Article 6 septies of the Paris Convention.

SECTION C
ENFORCEMENT OF INTELLECTUAL PROPERTY

Article 40
Enforcement – General

1. The Parties reaffirm their commitments under the TRIPS Agreement and in particular of its Part III, and shall provide for the following complementary measures, procedures and remedies³⁶ necessary to ensure the enforcement of intellectual property rights. The measures, procedures and remedies shall be fair and equitable, and shall not be unnecessarily complicated or costly, or entail unreasonable time-limits or unwarranted delays.

2. Those measures, procedures and remedies shall also be effective, proportionate and dissuasive³⁷ and 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.

3. Each Party shall make all reasonable efforts to:

³⁵ The Parties understand that such remedies may include, among other things, revocation, cancellation and transfer of the registered domain name, injunctive relief against the person that registered or holds the registered domain name and against the domain name registry or damages against the person that registered or holds the domain name.

³⁶ Without prejudice to the civil and administrative measures, procedures and remedies laid down in this Chapter, a Party may provide for other appropriate sanctions in cases where intellectual property rights have been infringed.

³⁷ For the purpose of this Article, the term “dissuasive” may be deemed by a Party to be synonymous with the term “deterrent” under Article 41 of the TRIPS Agreement.

Right of Information

Without prejudice to its law governing privilege, the protection of confidentiality of information sources or the processing of personal data, each Party shall provide that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities shall have the authority, upon a justified request of the right holder, to order the infringer or the alleged infringer, to provide to the right holder or to the judicial authorities, at least for the purpose of collecting evidence, relevant information as provided for in its applicable laws and regulations that the infringer or alleged infringer possesses or controls. Such information may include information regarding any person involved in any aspect of the infringement or alleged infringement and regarding the means of production or the channels of distribution of the infringing or allegedly infringing goods or services, including the identification of third persons alleged to be involved in the production and distribution of such goods or services and of their channels of distribution.

Article 44 Provisional and Precautionary Measures

1. The Parties shall ensure that the judicial authorities may, at the request of the applicant, issue against the alleged infringer an interlocutory injunction intended to prevent any imminent infringement of an intellectual property right, or to forbid, on a provisional basis and subject, where appropriate, to a recurring penalty payment where provided for by domestic law, the continuation of the alleged infringements of that right, or to make such continuation subject to the lodging of guarantees intended to ensure the compensation of the right holder. An interlocutory injunction may also be issued, under the same conditions where appropriate against a third party⁴⁰ over whom the relevant judicial authority exercises jurisdiction and whose services are used to infringe an intellectual property right.
2. An interlocutory injunction may also be issued to order the seizure or delivery up of goods suspected of infringing an intellectual property right, so as to prevent their entry into or movement within the channels of commerce.
3. In the case of an alleged infringement committed on a commercial scale, the Parties shall ensure that, if the applicant demonstrates circumstances likely to endanger the recovery of damages, the judicial authorities may order the precautionary seizure of the movable and immovable property of the alleged infringer, including the blocking of his/her bank accounts and other assets.

Article 45 Corrective Measures

⁴⁰ A Party may provide that a "third party" includes an intermediary.

referred to in paragraph 1.

Article 48
Costs

Each Party shall provide that its judicial authorities, where appropriate, have the authority to order, at the conclusion of civil judicial proceedings concerning infringement of intellectual property rights that the prevailing party be awarded payment by the losing party of court costs or fees and appropriate attorney's fees, or any other expenses as provided for under that Party's law.

Article 49
Presumption of Authorship or Ownership

The Parties shall recognise that for the purposes of applying the measures, procedures and remedies provided for in this Chapter (a) for the author of a literary or artistic work, in the absence of proof to the contrary, to be regarded as such, and consequently to be entitled to institute infringement proceedings, it shall be sufficient for his/her name to appear on the work in the usual manner; (b) Parties may apply the provision under (a) *mutatis mutandis* to the holders of rights related to copyright with regard to their protected subject matter.

SUB-SECTION B
ENFORCEMENT OF PROTECTION AGAINST MISAPPROPRIATION OF TRADE SECRETS

Article 50
Civil Judicial Procedures and Remedies

1. Each Party shall provide for appropriate civil judicial procedures and remedies for a trade secret holder to prevent, and obtain redress for, the acquisition, use or disclosure of a trade secret whenever carried out in a manner contrary to honest commercial practices.
2. Each Party shall provide, in accordance with its laws and regulations, that its judicial authorities shall have the authority to order that the parties, their lawyers and other persons concerned in the civil judicial proceedings referred to in the paragraph 1 of this Article, are not permitted to use or disclose any trade secret or alleged trade secret which the competent judicial authorities have, in response to a duly reasoned

the unauthorized use of its intellectual property;
(ii) the profits earned by the infringer from the act of infringement; or
(iii) the quantity of the goods infringing the right holder's intellectual property rights and actually transferred to third persons, multiplied by the amount of profit per unit of goods which would have been sold by the right holder if there had not been the act of infringement.

SUB-SECTION C
ENFORCEMENT – BORDER MEASURES

Article 51
Enforcement – Border Measures

1. With respect to goods imported or exported⁴⁵, each Party shall adopt or maintain procedures under which a right holder may submit applications requesting customs authorities to suspend the release of or detain goods suspected of infringing trademarks, copyrights and related rights, geographical indications⁴⁶, patents, utility models, industrial designs, and plant variety rights (hereinafter referred to in this Article as ‘suspect goods’) in its customs territory⁴⁷.
2. Each Party shall have in place electronic systems for the management by its customs authorities of the applications once they have been granted or recorded.
3. Customs authorities shall decide about granting or recording such applications within a reasonable period of time from the submission of the applications.
4. Each Party shall provide for such applications to apply to multiple shipments.
5. With respect to goods imported or exported, customs authorities shall have the authority to act upon their own initiative to suspend the release of or detain suspect goods in its customs territory⁴⁸.

⁴⁵ For the purpose of this Article, “goods imported or exported” means, for the EU, goods under customs control, being brought into or taken out from its customs territory or being there in temporary storage, placed under a customs procedure or re-exported.

⁴⁶ With respect to geographical indications, Japan may comply with the obligations set out in this Article by providing for administrative measures to prevent the release into its domestic market of suspect goods by appropriate competent authorities, in accordance with its laws and regulations.

⁴⁷ For the purpose of this Article (Enforcement – Border Measures), customs territory is as defined in Article 3 (Definitions) of Customs Matters and Trade Facilitation Chapter [Y].

⁴⁸ For the purpose of this paragraph, Japan may provide for penalties to be applied in cases of customs transit or transshipment of infringing goods. For that purpose,

(a) the term “customs transit” means the customs procedure under which goods are transported under customs control from one customs office to another; and

(b) the term “transshipment” means the customs procedure under which goods are transferred under customs control from the importing means of transport to the exporting means of transport within the area of one customs office which is the office of both importation and exportation.

- (b) holding a dialogue on specific topics of common interests:
- i. general information regarding the use of risk management systems in the detection of suspect goods, and
 - ii. general information regarding risk analysis in the fight against infringing goods.

SECTION D
COOPERATION AND INSTITUTIONAL ARRANGEMENTS

Article 52
Cooperation

1. The Parties, recognising the growing importance of the protection of intellectual property in further promoting trade and investment between them, in accordance with their respective laws and regulations and subject to their available resources, shall cooperate in the field of intellectual property, including by exchanging information on relations of the Parties with non-Parties on matters concerning intellectual property.

2. For the purpose of paragraph 1, forms of cooperation may include exchange of information and sharing experiences and skills and any other form of cooperation or activities as may be discussed and agreed between the Parties. Such cooperation may cover areas such as:

- (a) developments in domestic and international intellectual property policy;
- (b) intellectual property administration and registration systems;
- (c) education and awareness relating to intellectual property;
- (d) intellectual property issues relevant to:
 - (i) small and medium-sized enterprises;
 - (ii) science, technology and innovation activities; and
 - (iii) the generation, transfer and dissemination of technology;
- (e) policies involving the use of intellectual property for research, innovation and economic growth;
- (f) implementation of multilateral intellectual property agreements, such as those concluded or administered under the auspices of the WIPO;
- (g) technical assistance for developing countries;
- (h) best practices, projects and programmes related to the fight against infringements of intellectual property rights; and
- (i) exploration of the possibility for further work on common efforts against infringements of intellectual property rights worldwide.

3. The Parties shall seek for cooperation on activities to improve the international intellectual property regulatory framework, including by encouraging further ratification of existing treaties and by fostering international harmonisation, administration and enforcement of intellectual property rights and on activities in international organisations including the World Trade Organization and the WIPO.

Limited

EU-Japan FTA/EPA

Without prejudice

Origin: EU

As of 30 October, 2017