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Exhaustion

For the purposes of dispute settlement under this Agreement, subject to the provisions of Articles 3 and 4 nothing in this Agreement shall be used to address the issue of the exhaustion of intellectual property rights.

1.2 General

1. With respect to the exhaustion of intellectual property rights, paragraph 5(d) of the Declaration on the TRIPS Agreement and Public Health, adopted on 14 November 2001, reads as follows:

The effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each Member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.¹

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Current as of: February 2019

¹ The text of the Declaration can be found in document [WT/MIN\(01\)/DEC/2](#).