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NEGOTIATIONS
THE URUGUAY ROUND**

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Negotiating Group on Trade-Related Aspects
of Intellectual Property Rights, including
Trade in Counterfeit Goods

STANDARDS FOR TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS

Submission from Canada

The following submission has been received from the delegation of Canada with the request that it be submitted to members of the Negotiating Group.

INTRODUCTION

1. Canada considers a substantial result on intellectual property standards to be a key element of a TRIPS agreement in the Uruguay Round. In September, 1989, Canada submitted its proposals on the development of fair, effective and non-discriminatory international rules and disciplines to enforce intellectual property rights. But enforcement provisions mean little if there are no, or inadequate, standards to enforce. Therefore, adequate standards are equally necessary to reduce distortions and impediments to international trade. Such standards, however, should not be excessive, and should not themselves become barriers to legitimate trade.

2. This submission provides Canada's views on the relationship between intellectual property standards and international trade. It identifies Canada's objectives for a satisfactory TRIPS agreement in the MTN and sets out Canada's ideas on the key intellectual property standards issues which should be addressed in negotiating the substantive provisions of such an agreement. Detailed proposals on each of the major subject matters of intellectual property are set out in the Annex. This paper should be read in conjunction with Canada's submission on the enforcement of intellectual property rights (NG 11/W/42).

INTELLECTUAL PROPERTY STANDARDS AND INTERNATIONAL TRADE

3. Many countries provide inadequate protection for the innovators/creators of intellectual property. As a result, when the legitimate intellectual property owner exports his goods or services under such conditions, the intellectual property component may be copied, expropriated, or stolen, sometimes with little or no redress. Producers and owners of IP may then become reluctant to trade with that country, or may attempt through their governments to impose unilateral trade sanctions against it.

4. But the trade dimension to the problem does not stop here, because the infringing producer, counterfeiter, or pirate may also export his product to third country markets, constraining the legitimate IP owner's ability to sell his invention/creation into those markets. This constraint on trade is increasingly important, because of the larger volume of trade linked to new technological products and also to the growing international dissemination of technology, consumer goods and services. Accordingly, an adequate level of IP protection is needed in each country in order to facilitate the effective international transfer of technology and the worldwide dissemination of goods and services. No country can afford to condone the expropriation or theft of internationally traded technologies, goods and services, as it would increasingly find itself on the periphery of international trade expansion.

5. International trade can be affected in other ways by intellectual property standards:

- * Inadequate IP standards can result in less innovation, creativity and commitment to research and development, and, therefore, reduce the range of new, high quality technologies, products and services available to the international market.
- * Sharp differences in IP standards and use provisions among countries distort trade and investment decisions because products legally available in one country cannot be sold into another.
- * Excessive levels of protection in a country can also cause distortions, by denying legitimate traders opportunities to sell into that market.

6. Canada believes that for the GATT to become more effective as the central international institution to regulate international trade problems, it must adapt to these emerging trends. A TRIPS agreement should also facilitate trade in technology among parties to the agreement at all levels of economic development. Canada believes that such international technology trade is best facilitated through licensing agreements between private parties which are to the mutual advantage of both the licensor and the licensee. Restrictions which limit the ability of private parties to

conclude mutually advantageous agreements will raise the cost of technology, reduce international technology flows, and distort both trade and investment. Canada, therefore, considers it important that countries not impose unreasonable or discriminatory conditions on firms negotiating voluntary licences, while recognizing that strong competition policy is also relevant.

STANDARDS: OBJECTIVES OF AN AGREEMENT

7. The GATT standards for the protection of intellectual property should facilitate and encourage legitimate, non-infringing trade. They should, in particular,

- * reduce distortions and impediments to international trade;
- * be adequate, both in balancing relevant interests and in their degree of detail;
- * not serve as barriers to legitimate trade;
- * facilitate the contribution of trade to innovation, research and development and the transfer and use of technology in and among parties to the agreement.

In order to provide adequate protection of intellectual property in its territory each party should update all laws, regulations, procedures and practices of its intellectual property regime in line with the standards in the agreement.

GENERAL CONSIDERATIONS RELATING TO AVAILABILITY, SCOPE AND USE OF TRADE RELATED INTELLECTUAL PROPERTY RIGHTS

8. Scope of an Agreement - In Canada's view, the GATT TRIPS negotiations should be comprehensive, addressing all eight major IP subject matters (patents, trade marks, geographical indications, copyright, neighbouring rights, integrated circuits, industrial designs and trade secrets). This is necessary because trade distortions and impediments can arise in relation to each. While it may be argued that the trade problems are largely concentrated on goods and services protected by patents, trade marks or copyright, there are already problems occurring across a wide range of IP products.

9. New GATT Standards vs. Existing Conventions - Standards of IP protection differ significantly from country to country. While international IP conventions do exist for most subject matters of IP, these conventions have significant deficiencies because:

- * many countries are not signatories;
- * countries have signed at different obligation levels;

- * many conventions have very low required levels of explicit protection;
- * many conventions have gaps in the scope of rights provided;
- * many conventions do not require protection for some categories of work, within the ambit of the general subject matter of the conventions;
- * some subject matters for protection (i.e. trade secrets, some new technologies) are not covered by the existing conventions.

As a result, not only is adequate IP protection not available at all in some countries, but even across countries that provide some level of IP protection it is a patchwork quilt of extreme variability. The consequence for creators/innovators is a series of increasing tensions, frictions and constraints in trying to export their technologies, products and services to other countries.

10. Enhanced Effective Level of Intellectual Property Standards - In considering these factors, Canada suggests that the TRIPS Negotiating Group should work towards a final outcome which provides an enhanced effective level of intellectual property standards internationally. This concept implies movement by all countries towards a common adequate standard of protection but not necessarily detailed harmonization.

11. As a first step in moving towards an "enhanced effective level" of intellectual property standards worldwide, Canada believes that as a basic component of a TRIPs agreement, parties should be required to comply with the substantive obligations of the Stockholm text of the Paris Convention for the Protection of Industrial Property and the Paris text of the Berne Convention for the Protection of Literary and Artistic Works, because these Conventions have high acceptance internationally. As outlined later, however, gaps in these Conventions will have to be addressed by the Negotiating Group.

12. Adequacy of Protection - In Canada's view, levels of IP protection should be sufficient to induce innovation/creation by individuals and businesses, recognize their ownership of the products of their creative efforts, and provide an adequate basis for them to achieve a reasonable commercial return on the sale of their products in both domestic and foreign markets, recognizing that product markets are now virtually global.

13. However, such a legal foundation or framework for the innovator/creator to seek reasonable compensation for the novel product of his efforts should not be excessive or without limits. It must be balanced against the rights of the public-at-large to reasonable access to the innovation/creation at reasonable prices and to legitimate access for such purposes as research and education. Such a balancing in the public interest reflects the fact that the rights granted to the creator/innovator come from the government, representing the broad interests of the public-at-large.

14. A second dimension to the issue of the "adequacy" of IP standards which the Negotiating Group must continue to address for each type of intellectual property is the necessary level of detail required for a TRIPS agreement. If the agreed standards are too general, they may be unenforceable in practice or may be unpredictable in their interpretation and application by a panel, with the result they are ineffective in minimizing trade disputes. If, however, an attempt is made to develop standards which are too detailed, GATT would run the risk of assuming responsibility for the harmonization of national IP laws. But such detailed harmonization of IPR standards is a separate exercise which is on the agenda of the World Intellectual Property Organization (WIPO). Canada is active in and strongly supports this work.

15. Application of Basic Principles - The standards provided under a TRIPS agreement should be based upon the principles of national treatment, most-favoured-nation treatment, transparency, and dispute settlement.

- * National treatment and MFN should apply equally to all persons, goods and services covered by an agreement. Incorporation of these fundamental principles will ensure that all persons, companies and institutions of parties to this agreement are given the same IP rights regardless of nationality, ensuring equal opportunity for all those trading in international IP markets.
- * The incorporation of the principle of transparency is important in order to give IPR owners, users and traders greater knowledge and certainty regarding their rights.
- * Finally, effective dispute prevention and settlement measures are essential in order to ensure that countries meet their standards obligations. Moreover, such measures remove the risk of countries taking unilateral action against trading partners who they feel are not providing adequate IPR standards. The criteria for dispute settlement on standards issues would include these basic principles as well as the more detailed IPR standards relating to each of the major IP areas covered by the agreement.

16. Development and Technological Objectives - Canada believes that effective intellectual property protection within a country produces a significant range of benefits to the economy. First, it gives a clear signal to the innovators, creators, researchers, scientists and institutions within that country that creative efforts by its citizens will be protected and rewarded. Without such protection and incentives, some of these key creative individuals could decide to leave their home country to work in another country where originality and innovation are given stronger encouragement. Secondly, a framework of effective IP protection encourages product innovation within a country which can lead to new investment in research and development, can lead to the promotion of domestic technologies, and can contribute to enhanced economic growth, exports and increased employment. In addition, Canada, as a net importer of technology, has found that effective domestic intellectual property

standards are a key factor in gaining access to the latest and best emerging world technologies (since one can convince the owner of the technology that his intellectual property rights will be protected) and in encouraging investment in research and development facilities.

17. Procedures to Acquire Rights - Procedures of the parties for the acquisition or revocation of IPRs should be prompt, effective, non-discriminatory and transparent. Otherwise the procedures would have a negative impact on IPR related trade because they make it difficult for companies to acquire rights, thus denying them the benefits of their inventions or creations. They also increase uncertainty in trade since products and services will be traded without full knowledge by the IP owner of the rights attaching to them, pending finalization of the acquisition process.

SPECIFIC STANDARDS ISSUES

18. The following paragraphs highlight Canada's ideas on key intellectual property standards issues which should be addressed in the TRIPS negotiations.

A. PATENTS

- i) Patents provide protection for, and dissemination of information about inventions by according the exclusive right to the use of the invention for a limited period of time. Without effective patent laws in a country to provide a secure environment for protecting technology, inventors will be constrained from transferring technology to that country or investing for research and development purposes. Major trade distortions can result from the absence of adequate patent protection or substantive variations in levels of protection because protection available in one country is not available in another, and because an invention which can be legally sold or used in one country cannot be legally sold or used in another.
- ii) Although the Paris Convention contains important provisions affecting patents, e.g. provisions governing the right of priority, the standards in the Paris Convention relating to patents are insufficient to ensure adequate levels of patent protection. For example, the Convention is silent with respect to patentable subject matter, necessary conditions for obtaining a patent and term of protection and it deals only marginally with the rights conferred by a patent. Accordingly, Canada considers that significant improvements should be added to those standards in the Paris Convention, and that these should be developed as part of a TRIPS agreement.
- iii) Canada is concerned about the discriminatory reduction-to-practice requirements of some countries. Such requirements have the effect of diverting research and development and the transfer of technology to the discriminating country. Canada believes that this problem could be resolved if all countries made patents available under the first-to-file principle.

- iv) It is in the international interest to have the broadest coverage for patentable products and processes in order to ensure technological innovation in all areas. Patents should generally be available in all fields of technology. It would nevertheless not be reasonable to oblige all governments to extend patents to an area such as multicellular life forms for which considerably more technical study is required both domestically and internationally concerning the most appropriate form of protection and the conditions under which it should be accorded.
- v) Compulsory licensing should be available to parties only under certain limited conditions and in accordance with the Paris Convention. This Convention contains certain safeguards but is not sufficient. In particular, it does not require adequate compensation or access to judicial review. Accordingly, the legitimate public interest purposes for which compulsory licensing could be required by participants to a TRIPS agreement should be defined. In addition, important safeguards should be provided in order to protect the rights of the patentee in terms of:
- * Full transparency
 - * National Treatment
 - * Non-exclusivity
 - * Adequate compensation
 - * Judicial review

B. TRADEMARKS

- i) Trademarks are used to distinguish wares or services of a particular trader. Collective or certification marks are a particular form of trademark used to indicate wares or services conforming to some owner-defined standard which may relate to the character or quality of goods, the working conditions under which they are produced, the class of persons involved in producing them, or the area in which they are made.
- ii) Effective protection for trademarks is clearly an essential element of an open, predictable and equitable international trading system. Trademarks provide basic information necessary to consumers and businesses in making decisions about the purchase of goods and services. Failure to provide adequate protection for trademarks can result in both serious confusion and deliberate deception as to the source of goods and services among these groups.
- iii) The standards in the Paris Convention relating to trademarks, although important, are of limited scope, and do not ensure adequate levels of trademark protection. For example, the Paris Convention is silent on the definition of a trademark and the term of protection. In addition, Article IX(6) of the GATT concerns marks of origin and the use of trade names to misrepresent the true origin of a product, but has limited enforceability. Canada therefore considers that additional international standards are needed in a TRIPS agreement to ensure levels of trademark protection which will minimize trade distortions.

- iv) There should be no possibility of compulsory licensing. The ability of a trademark owner to control the use of his trademark is essential to protect the value of the trademark and to protect the public from confusion and deception.
- v) International trade in services is growing rapidly and service marks are becoming increasingly important to protect both providers and users of services. Canada considers that the substantive obligations for protection in respect of trademarks should be expanded to cover service marks.

C. GEOGRAPHICAL INDICATIONS INCLUDING APPELLATIONS OF ORIGIN

- i) The World Intellectual Property Organization uses the term "geographical indications" to mean both indications of source and appellations of origin. "Indication of source" means any expression or sign used to indicate that a product or service originates in a country, a region or a specific place. "Appellation of origin" means the geographical name of a country, region or specific place which serves to designate a product originating therein, the qualities and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.
- ii) Misrepresentation of the true origin of a product causes trade distortions, damages the economic interests of rights holders and misleads consumers. In order to ensure adequate protection for geographical indications, all countries should comply with the substantive obligations of the Paris Convention and to the proposals outlined above for trademarks standards, particularly protection for collective or certification marks.

D. COPYRIGHT

- i) Copyright embraces a wide range of media and forms of expression including literary, musical, dramatic and artistic works. It gives the authors and creators of these works protection against a variety of unauthorized uses, including copying and performance in public. Trade problems due to copyright piracy are particularly evident in respect of computer programs, films and books.
- ii) For the most part, the Berne Convention contains substantive obligations providing adequate protection of copyright for purposes of a TRIPS agreement. It is specific on the issue of what constitutes adequate rights and standards for copyright works. It deals with issues such as the subject matter of protection, term, scope and ownership, and generally provides a high level of substantive minimum standards of protection.

- iii) However, there is some uncertainty as to whether the Berne Convention covers computer programs. To remove this uncertainty, Canada believes that a TRIPS agreement should provide for protection for computer programs essentially equivalent to that given to literary works under the Berne Convention. Canada is also concerned about the unexpectedly wide scope of protection conferred by the courts to computer programs in certain jurisdictions, which could have serious anti-competitive effects. Accordingly, Canada believes that protection should be appropriately limited.

E. NEIGHBOURING RIGHTS

- i) Some countries protect neighbouring rights which are similar to, but outside of, traditional copyright protection. Neighbouring rights' protection extends to the rights of performers, phonogram (sound recordings) producers and broadcasters.
- ii) The Berne Convention does not require protection of neighbouring rights and, internationally, protection is uneven.
- iii) However, piracy of phonograms has become a serious trade problem due to the low cost of making illegal copies and the difficulty of enforcing protection. Canada considers that a TRIPS agreement should provide for protection against the unauthorized reproduction of phonograms for a minimum period of fifty years.

F. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

- i) An integrated circuit product is a manufactured device in which highly miniaturized and very complex electronic circuits are integrated. The circuits are embodied in the product in a three-dimensional hill and valley configuration known as a layout design of a topography. Existing international protection for layout designs is inadequate in that many countries provide no protection at all.
- ii) Adequate international protection for topographies is essential in order to promote the creation of new topographies and to prevent persons from unfairly gaining a competitive advantage by appropriating someone else's design and avoiding the significant costs of creation. Highly specialized skills and costly investment are required to design topographies. Canada recognizes that a recent treaty on integrated circuit protection has been negotiated under the auspices of the World Intellectual Property Organization. However, certain of the key standards in that draft convention (e.g. term, compulsory licensing provisions) are lower than those currently provided by most countries having such protection and are inadequate to provide sufficient protection. In addition, the dispute settlement provisions of the treaty are unsatisfactory to address trade problems particularly in view of the lengthy time delays and uncertain procedures which would be involved.

- iii) Given the increasing use of integrated circuits in a wide variety of products, failure to provide for exhaustion could cause trade problems since the presence of one chip as a minor part of a product could allow importation of the product to be blocked. A TRIPS agreement should provide that rights are exhausted once the circuit has been legitimately put on the market anywhere in the world.

G. INDUSTRIAL DESIGNS

- i) Industrial designs are shapes, patterns or ornamentation applied to products to make them more appealing. International protection is necessary in order to promote development of new designs and to prevent the theft of designs whose creation may have required a considerable investment.
- ii) The standards in the Paris Convention relating to industrial designs are limited and insufficient to ensure adequate levels of international industrial design protection and trade. The Paris Convention is silent on subject matter, conditions for protection, rights conferred and term of protection.
- iii) At the present time, there are a wide variety of approaches taken internationally to the protection of industrial designs. These vary from protection of a copyright nature (protection only against copying) to protection of a patent nature (giving broader rights to exclusive use).
- iv) Canada considers that basic standards for industrial designs - flexible enough to accommodate different approaches - should be developed for inclusion in a TRIPS agreement.

H. TRADE SECRETS/ACTS CONTRARY TO HONEST COMMERCIAL PRACTICES

- i) Trade and business secrets protect important commercial and technical data of businesses. Protection for trade and business secrets is therefore an important aspect of providing a secure environment for the transfer of technology.
- ii) At the present time, international conventions contain little, if anything, relating to trade secrets. Because of this and because there are currently a wide variety of approaches taken internationally for the protection of business secrets, a TRIPS agreement should contain a general obligation that would prevent anyone other than the owner from using trade secrets contrary to honest commercial practices.

ANNEX

DETAILED CANADIAN PROPOSAL ON STANDARDS ISSUES

INTERNATIONAL CONVENTIONS

All countries should comply with the substantive obligations in the Stockholm text of the Paris Convention for the Protection of Industrial Property and the Paris text of the Berne Convention for the Protection of Literary and Artistic Works.

A. PATENTS

Patentable subject matter

Patents should be available for all products and processes in all fields of technology. National laws, however, may provide that the following are not patentable:

- i) multicellular life forms or processes for producing new multicellular life forms;
- ii) methods of medical treatment for humans or animals;
- iii) mere scientific principles;
- iv) schemes, plans or systems for doing business, accounting, playing games and the like;
- v) printed or design material having intellectual connotations only; and
- vi) algorithms and computer programs per se.

Conditions for patentability

Patents should be available under the first to file principle.

Patents should be available for inventions that are new, useful and unobvious.

Term of protection

The term of a patent should be 20 years from the filing date of the application.

Rights conferred

The owner of a patent should have the right to exclude others from making, using, selling or offering for sale the patented invention. In respect of process patents, the owner should in addition have the right to exclude others from using, selling or offering for sale a product directly resulting from the use of the process in any country.

National laws, however, may provide that the owner of a patent has no right to prevent third parties from performing the following acts:

- i) acts done privately and on a non-commercial scale provided that they do not significantly prejudice the economic interests of the owner of the patents; and
- ii) making or using for solely experimental purposes or scientific research in relation to the technology in respect of which the patent was granted, or a competing technology.

Compulsory licensing/forfeiture

Compulsory licensing should be available to parties only under certain limited conditions and in accordance with the Paris Convention.

Any compulsory licence granted should be non-exclusive and should provide for adequate compensation to the patentee for the use of the invention.

Any decision relating to the grant of a compulsory license or the forfeiture of a patent should be subject to judicial review.

Voluntary licensing

Countries should not impose unreasonable or discriminatory terms or conditions on parties negotiating voluntary licences.

B. TRADEMARKS

Paris Convention

The substantive obligations imposed by the Paris Convention in respect of trademarks should be expanded to cover service marks wherever possible e.g. in respect of the right to priority (Article 4), the period of grace (Article 5 bis), well-known marks (Article 6 bis) and the nature of the services (Article 7).

Definition

Trademark protection (the term trademark being used to include service marks and certification marks or collective marks) should be provided for all marks capable of being represented graphically including any sign, word, design, letter, numeral, colour, shape of goods or of their packaging, or any combination thereof provided that such marks are capable of distinguishing the goods or services of one undertaking from those of other undertakings.

Protection should not be provided to marks which are in conflict with earlier trademark or trade name rights.

Derivation of rights

Trademark rights may derive from use or registration or a combination thereof.

Use of the trademark in the contracting country may be a prerequisite to registration other than in circumstances where this is prohibited by Article 6 quinquies of the Paris Convention for marks registered in the country of origin.

Rights conferred

The owner of a trademark should have the right to exclude others from using any mark in association with any goods or services including distributing or advertising if such use would be likely to cause confusion.

Protection of well-known marks

No specific provisions proposed because Article 6 bis of the Paris Convention requires protection of well-known marks for goods and as noted above, Canada proposes that this obligation be expanded to cover well-known marks for services.

National registration systems

A system for the registration of trademarks should be provided.

A reasonable opportunity should be provided to oppose or challenge a registration.

Term of protection

A trademark should be registered for no less than ten years and should be renewable indefinitely for further terms of no less than ten years.

Use requirements

No requirements should be imposed on the use of a trademark that would inhibit recognition of the mark or that would inhibit the mark from serving to distinguish a good or service.

If use of a registered mark is required to maintain trademark rights, the registration may be cancelled only after an uninterrupted period of at least three years of non-use, unless legitimate reasons for non-use exist. Circumstances arising independently of the will of the proprietor of a trademark which constitute a serious obstacle to the use of the mark (such as import restrictions on products protected by the trademark) should be sufficient to constitute legitimate reasons for non-use. Authorized use of a trademark by a third party should be considered use by the trademark owner for purposes of meeting use requirements.

Licensing and assignment

Licensing of trademarks should be permitted.

No compulsory licensing of trademarks should be imposed.

Countries should not impose unreasonable or discriminatory terms or conditions on parties negotiating voluntary licences.

Trademarks should be transferable with or without the transfer of the undertaking to which they belong.

C. GEOGRAPHICAL INDICATIONS INCLUDING APPELLATIONS OF ORIGIN

All countries should be required to provide protection for geographical indications by complying with the substantive obligations in the Paris Convention and the above Canadian proposals for trademark standards.

D. COPYRIGHT

Subject Matter for Protection

In addition to the subject matter covered by the Berne Convention, computer programs should be protected.

Conditions for Obtaining Protection

The requirement in the Berne Convention that protection arise automatically upon creation is adequate.

Rights Conferred

In the case of computer programs, the protection should be essentially equivalent to that provided to literary works under the Berne Convention, except that protection should not extend to the "look and feel" or "structure, sequence, and organization" of a program, or to algorithms, ideas, systems, and the like.

Further, national laws may allow for adaptation, arrangement, conversion or alteration of the program for an entity's own use as well as the making of a single copy for strictly back-up or archival purposes.

Otherwise, the Berne Convention deals adequately with rights conferred.

Limitations

The Berne Convention contains acceptable limitations.

Term of Protection

In the case of computer programs, the minimum term should be 50 years.

Otherwise, the Berne Convention deals adequately with the term of protection.

E. NEIGHBOURING RIGHTS

Provided that a TRIPs agreement contains provisions relating to phonograms as proposed below, Canada does not consider that a TRIPs agreement should deal specifically with neighbouring rights.

Phonograms

Phonograms should be protected, the obligation to protect being limited to the right of reproduction. The minimum term should be 50 years.

F. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

Subject matter for protection

Protection should be provided for the design, however expressed, of the disposition of the elements and the interconnections for the making of an integrated circuit product, provided that it is original and not commonplace.

Conditions for obtaining protection

National laws may require registration as a condition for protection.

Rights conferred

Protection should be against unauthorized copying and the distribution and importation of unauthorized copies.

There should be an exception for reverse engineering. Rights should be exhausted in an integrated circuit once it has been put on the market anywhere in the world by, or with the consent of, the holder of the right.

Compulsory licensing

National laws may provide for compulsory licensing only for abuses under competition law.

Term of protection

The term of protection should be ten years.

G. INDUSTRIAL DESIGNS

Subject matter and conditions for protection

Protection should be available for designs which are original or novel, a design being a two or three dimensional external appearance of an article that is not solely dictated by the utilitarian purpose of the article.

Rights conferred

The owner of an industrial design right should, at a minimum, have the right to prevent others from manufacturing or selling articles bearing a design which has been copied or has been substantially copied.

Term of protection

The term of protection should be at least ten years.

H. TRADE SECRETS/ACTS CONTRARY TO HONEST COMMERCIAL PRACTICES

Subject matter for protection and rights conferred

Trade and business secrets should be protected.

The owners of trade and business secrets should have the right to prevent them from becoming available to or being used by others in a manner contrary to honest commercial practices.

I. ACQUISITION OF IPRS

Procedures of the parties for the acquisition or revocation of intellectual property rights should be prompt, effective, non-discriminatory and transparent.