

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.GNG/NG11/W/17/Add.2
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Group of Negotiations on Goods (GATT)

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

SUBMISSION BY JAPAN

Addendum

The following communication has been received from the Permanent Mission of Japan with the request that it be circulated to members of the Negotiating Group.

Japan proposes the following revisions to the "Annex" of MTN.GNG/NG11/W/17/Add.1, which was submitted in September 1988. The revisions made below represent the Japanese Government's point of view at the present stage, and they remain subject to further modification.

Copyright

Add the following after (2)(a).

Participants may provide for the copyright protection of data base works under the category of "compilations" or "collections", but participants clarify the definition of the "making public" of such works as follows:

Data base works shall be considered as having been "made public", when such works have been put, by a person having the right of wire transmission or with the authorization of such person, in a state such that they may be made available to the public by means of wire transmission in response to a request from the public.

Neighbouring Rights

Revise the beginning sentences as follows.

Participants shall accede to and frame national laws based upon the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations ("the Rome Convention" in the following) which stipulates the following as its fundamental principles.

Semi-conductor Integrated Circuit Layout Rights

Add the following after (1).

(2) Exceptions with respect to innocent third party

Protection will not be extended in case of transfer, lending, exhibition with a purpose of transfer or lending, or importation as commercial transactions by a person who did not know, and had no fault in not knowing the fact that the semi-conductor integrated circuit chips were reproduced without authorization, of a semi-conductor integrated circuit chip reproduced without authorization or a product in which such chips are incorporated.

However, once the third party becomes aware that the semi-conductor integrated circuit chip was reproduced without authorization, the right holder may claim to the third party any loss incurred by the conduct thereafter.