

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

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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

DRAFT AMENDMENT TO THE GENERAL AGREEMENT
ON TARIFFS AND TRADE ON THE PROTECTION OF
TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS

Communication from Switzerland

Corrigendum

The following paragraphs were omitted from the end of some, but not all, copies of this document.

Article 501
Dispute Prevention

- (1) Whenever laws, regulations and practices relevant to, and affecting, the protection and enforcement of intellectual property rights are under review or intended to be introduced by a PARTY to this Agreement, such PARTY shall
- publish, in an official GATT language, a notice in a publication at an early appropriate stage that it proposes to introduce, amend or abolish legislation or regulation;
 - promptly provide, upon request, draft legislation and draft regulations, including explanatory materials, to such PARTIES;
 - allow, without discrimination, reasonable time of no less than [X] months for other PARTIES to submit comments in writing on the basis of the General Agreement;
 - consult with interested PARTIES, upon request, on the basis of comments submitted.
- (2) None of these obligations is meant to limit the sovereignty of PARTIES to legislate, regulate and adjudicate in conformity with international obligations.

* English only/ anglais seulement/Inglés solamente.

GATT SECRETARIAT

UR-90-0344

Article 502
Dispute Settlement

- (1) Disputes arising under this PART shall be settled on the basis of Article XXII and Article XXIII and in accordance with the consolidated instrument [name].
- (2) Non-compliance with obligations under this PART shall be deemed to cause nullification and impairment of advantages and benefits accruing under the General Agreement on Tariffs and Trade.
- (3) PARTIES shall refrain from taking any measure against another PARTY other than those provided for under the rules on dispute settlement within the General Agreement on Tariffs and Trade.

SECTION SIX
INSTITUTIONAL PROVISIONS

Article 600
The Committee on Trade-Related Aspects
of Intellectual Property Law

- (1) All PARTIES shall be represented in the Committee on Trade-Related Aspects of Intellectual Property Rights (hereinafter the Committee). It shall elect its Chairman annually and meet as necessary, but not less than once a year. It shall carry out its responsibilities as assigned to it under this PART or by the PARTIES. It may establish working groups.
- (2) The Committee shall monitor the implementation and operation of this PART, taking into account the objectives thereof. It shall examine periodical country reports prepared by the GATT Secretariat on laws, regulations, practices and international agreements related to, and affecting, the protection of intellectual property rights. It shall make recommendations, as appropriate, to the PARTIES concerned.
- (3) The Committee shall periodically agree upon a schedule of country reports. It shall adopt a work programme and coordinate activities of PARTIES in the field of technical cooperation.
- (4) The Committee shall annually report to the CONTRACTING PARTIES. It may submit recommendations.

Article 601
Guidelines

The Committee is entitled to elaborate and adopt guidelines for the interpretation, in particular of Section Two and Section Three. It shall take into account relevant findings of adopted panel reports.

Article 602
Joint Group of Experts

In order to promote co-operation between the Committee and bodies under the World Intellectual Property Organization, the Committee may establish, as appropriate, Joint Groups of Experts consisting of representatives of the PARTIES and of the Member States of the Unions created by the Paris Convention (Stockholm Act) and the Berne Convention (Paris Act) respectively. Upon request of the Committee, the Joint Groups of Experts shall give advice on technical matters under consideration.

SECTION SEVEN

FINAL PROVISIONS

Article 700
Relationship to others Parts of the General Agreement on
Tariffs and Trade

Other provisions of the General Agreement shall apply to the extent that this PART does not provide for more specific rights, obligations and exceptions thereof. (73)

Article 701
Provisional Application

Pending the entry into force in accordance with Article XXX:1, this PART shall be applied provisionally. It shall become effective between PARTIES upon acceptance at [date]. For each other contracting party, it shall apply provisionally with the thirtieth day following the date of accession.

Article 702
Amendments

- (1) Amendments to this PART shall take effect in accordance with the provisions on entry into force and on provisional application.

- (2) Amendments merely serving the purpose to adjust to higher levels of protection of intellectual property rights achieved, and in force, in other multilateral agreements and accepted by all PARTIES may be adopted by the Committee.

Article 703
Withdrawal

Pending the entry into force, withdrawal from this PART shall be effected in accordance with the Protocol of Provisional Application of the General Agreement on Tariffs and Trade or the respective Protocol of Accession of contracting parties to the General Agreement on Tariffs and Trade.