

WORLD TRADE ORGANIZATION

RESTRICTED

IP/C/W/268
31 May 2001

(01-2714)

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

REVIEW OF LEGISLATION

Questions posed by the United States

By means of a communication from the Permanent Mission of the United States, dated 18 May 2001, the Secretariat has received copies of the following questions that the United States has communicated to Antigua and Barbuda, Argentina, Bahrain, Botswana, Costa Rica, Côte d'Ivoire, Dominica, Egypt, Fiji, Georgia, Ghana, Honduras, Jamaica, Kenya, Mauritius, Morocco, Nicaragua, the Philippines, Saint Kitts and Nevis and the United Arab Emirates, respectively.

ANTIGUA AND BARBUDA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain in detail how the copyright law of Antigua and Barbuda complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the copyright law of Antigua and Barbuda protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Antigua and Barbuda.

5. Please state the length and terms of protection the copyright law of Antigua and Barbuda provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.

6. Please describe the protection the copyright law of Antigua and Barbuda provides for performers, and the term of the protection.

7. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Antigua and Barbuda implements these obligations and indicate the term of protection.

C. TRADEMARKS

8. Please confirm that, under the trademark law of Antigua and Barbuda, any sign or combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings is capable of constituting a trademark, as required by Article 15.1 of the TRIPS Agreement and cite the relevant provisions of law or regulations.

9. Please describe the procedure followed to register a trademark in Antigua and Barbuda, citing the relevant provisions of law, and describe the rights that the owner of a registered mark can exercise.

10. Please provide the length and terms of protection that the trademark law of Antigua and Barbuda provides for a trademark.

11. Please explain whether a well-known service mark is granted the same level of protection as well-known trademark under Article 6^{bis} of the Paris Convention, as required under Article 16.2 of the TRIPS Agreement. Please cite any relevant laws, regulations or judicial decisions.

D. GEOGRAPHICAL INDICATIONS

12. Please describe in detail how the laws of Antigua and Barbuda provide for the recognition and protection of geographical indications as required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

13. Please describe in detail the manner in which the additional protection required for wines and spirits under Article 23.1 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

14. Please explain whether preexisting trademarks are protected against usurpation by geographical indications, as required under Article 24.5 of the TRIPS Agreement. Please cite any relevant laws or regulations.

E. INDUSTRIAL DESIGNS

15. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Antigua and Barbuda, and describe the nature of the protection provided.

16. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

17. Please describe in detail the way in which the patent law of Antigua and Barbuda implements Article 27 of the TRIPS Agreement, indicating any exceptions to patentability provided for, and including

details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of law.

18. Please describe in detail the rights provided patent holders under the patent law of Antigua and Barbuda and cite to the relevant provisions of law.

19. Please describe in detail any provisions in the laws of Antigua and Barbuda permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

20. What term of protection does the patent law of Antigua and Barbuda provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

21. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Antigua and Barbuda, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Antigua and Barbuda provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

23. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Antigua and Barbuda and cite to the relevant provisions of law.

24. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

25. Please describe in detail the manner in which the laws of Antigua and Barbuda provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

26. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Antigua and Barbuda provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail all of the civil remedies that are available to right holders under the laws of Antigua and Barbuda, citing to the relevant provisions of law or regulation.

28. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Antigua and Barbuda, citing to the relevant provisions of law and regulation, and indicate any

condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

29. Please describe in detail the procedures under the laws of Antigua and Barbuda that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

30. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

31. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Antigua and Barbuda are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

32. Please describe in detail how the laws of Antigua and Barbuda implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

33. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Antigua and Barbuda that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

35. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Antigua and Barbuda that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

36. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

37. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

ARGENTINA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Argentina protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Argentina.

4. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Argentina implements these obligations and indicate the term of protection.

C. TRADEMARKS

5. Please describe the manner in which well-known trademarks are protected in Argentina against unauthorized use and against so-called cybersquatting, *i.e.*, incorporation of the trademark of another into a domain name without the authorization of the trademark owner. Please cite to the relevant provisions of law and to any related court decisions.

6. Please confirm that a pre-existing trademark is protected against usurpation by geographical indications. Please cite any relevant laws, regulations or judicial decisions.

D. GEOGRAPHICAL INDICATIONS

7. Please describe in detail how the laws of Argentina provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of Argentine geographical indications so recognized and protected.

8. Please describe in detail the manner in which the additional protection required for wines and spirits under Article 23.1 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of Argentine geographical indications for such products so protected.

E. INDUSTRIAL DESIGNS

9. Please describe the procedure that must be followed to obtain protection for textile designs in Argentina and cite to the relevant provisions of law or regulation.

F. PATENTS

10. What term of protection does the patent law of Argentina provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

11. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Argentina, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

12. Please describe in detail how the laws of Argentina provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

I. ENFORCEMENT

13. Please describe in detail the manner in which the laws of Argentina provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

14. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Argentina provide this authorization, citing to the relevant provisions of law or regulation.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

15. Please describe in detail the manner in which Argentina provides for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

16. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

17. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Argentina are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

18. Please describe in detail how the laws of Argentina implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

19. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and

destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Argentina that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

20. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Argentina that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

21. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

22. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

BAHRAIN

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members, citing to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain whether and how the copyright law of Bahrain complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the copyright law of Bahrain protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Bahrain.

5. Please state the length and terms of protection the copyright law of Bahrain provides for a work, other than a photographic work or a work of applied art, and cite to the relevant provision of law.

6. Please describe the protection the copyright law of Bahrain provides for performers, and the term of the protection.

7. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Bahrain implements these obligations and indicate the term of protection.

C. TRADEMARKS

8. Please describe the subject matter that can comprise a trademark under the trademark law of Bahrain.

9. Please describe the procedure that must be followed to register a trademark in Bahrain, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

10. Please provide the length and terms of protection the trademark law of Bahrain provides for a trademark.

11. Please describe the way in which Bahrain protects well-known trademarks and cite to the relevant provisions of law.

D. GEOGRAPHICAL INDICATIONS

12. Please describe in detail how the laws of Bahrain provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

13. Please describe in detail how the additional protection required for geographical indications for wines and spirits under Article 23.1 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

14. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Bahrain, and describe the nature of the protection provided.

15. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

16. Please describe in detail the way in which the patent law of Bahrain implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

17. Please describe in detail the rights provided patent holders under the patent law of Bahrain and cite to the relevant provisions of law.

18. Please describe in detail any provisions in the laws of Bahrain permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

19. What term of protection does the patent law of Bahrain provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

20. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Bahrain, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

21. Please describe in detail how the laws of Bahrain provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and cite to the relevant provisions of law.

22. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Bahrain and cite to the relevant provisions of law.

23. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

24. Please describe in detail the manner in which the laws of Bahrain provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

25. Please describe in detail all of the civil remedies that are available to right holders under the laws of Bahrain, citing to the relevant provisions of law or regulation.

26. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Bahrain, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Bahrain that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

28. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

29. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent

authorities can act *ex officio*. Please explain whether the competent authorities in Bahrain are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Bahrain implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

31. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Bahrain that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

32. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Bahrain that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

33. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

34. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

BOTSWANA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please provide us with a copy of Botswana's new copyright law, the Copyright and Neighboring Rights Act, 2000.

3. We are under the impression that the Copyright and Neighboring Rights Act, 2000 was drafted with the goal of bringing Botswanan law into compliance not only with TRIPS standards, but also with the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Can you tell us when Botswana expects to deposit instruments of ratification for the WCT and WPPT with WIPO?

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the Copyright and Neighboring Rights Act, 2000.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the Copyright and Neighboring Rights Act, 2000 implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Botswana.

7. Please describe the procedure that must be followed to register a trademark in Botswana, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please provide the length and terms of protection the trademark law of Botswana provides for a trademark.

9. In determining whether a mark is well-known, do the relevant authorities in Botswana take into account the knowledge of the trademark in the relevant sector of the public, including knowledge obtained as a result of promotion of the trademark, as required under Article 16.2 of the TRIPS Agreement? Please cite any relevant laws, regulations and judicial decisions.

D. GEOGRAPHICAL INDICATIONS

10. Please describe in detail how the laws of Botswana provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

11. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

12. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Botswana, and describe the nature of the protection provided.

13. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

14. Please describe in detail the way in which the patent law of Botswana implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

15. Please describe in detail the rights provided patent holders under the patent law of Botswana and cite to the relevant provisions of law.

16. Please describe in detail any provisions in the laws of Botswana permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

17. What term of protection does the patent law of Botswana provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

18. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Botswana, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

19. Please describe in detail how the laws of Botswana provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

20. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Botswana and cite to the relevant provisions of law.

21. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

22. Please describe in detail the manner in which the laws of Botswana provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

23. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Botswana provide this authorization, citing to the relevant provisions of law or regulation.

24. Please describe in detail all of the civil remedies that are available to right holders under the laws of Botswana, citing to the relevant provisions of law or regulation.

25. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Botswana, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

26. Please describe in detail the procedures under the laws of Botswana that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

27. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

28. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Botswana are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

29. Please describe in detail how the laws of Botswana implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

30. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Botswana that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

31. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Botswana that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

32. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

33. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and

the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

COSTA RICA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members and cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain whether and how the copyright law of Costa Rica complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the copyright law of Costa Rica protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement and cite to the relevant provisions of law.

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Costa Rica.

5. Please state the length and terms of protection the copyright law of Costa Rica provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.

6. Please describe the protection the copyright law of Costa Rica provides for performers, and the term of the protection.

7. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Costa Rica implements these obligations and indicate the term of protection.

C. TRADEMARKS

8. Please describe the subject matter that can comprise a trademark under the trademark law of Costa Rica.

9. Please describe in detail how Costa Rica protects well-known trademarks and service marks and cite to the relevant provisions of law.

D. GEOGRAPHICAL INDICATIONS

10. Please describe in detail how the laws of Costa Rica provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

11. Please describe in detail the manner in which the additional protection required for wines and spirits under Article 23.1 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

12. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Costa Rica, and describe the nature of the protection provided.

13. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

14. Please describe in detail the way in which the patent law of Costa Rica implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

15. Please describe in detail the rights provided patent holders under the patent law of Costa Rica and cite to the relevant provisions of law.

16. Please describe in detail any provisions in the laws of Costa Rica permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

17. What term of protection does the patent law of Costa Rica provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

18. Please describe in detail how Costa Rica has extended the term of protection required by Article 33 of the TRIPS Agreement to patents that existed and were protected in Costa Rica on 1 January, 2000 and cite to the relevant provisions of law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

19. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Costa Rica, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

20. Please describe in detail how the laws of Costa Rica provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and cite to the relevant provisions of law.

21. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government of Costa Rica in order to obtain marketing approval in Costa Rica, and cite to the relevant provisions of law.

22. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

23. Please describe in detail the manner in which the laws of Costa Rica provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

24. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Costa Rica provide this authorization, citing to the relevant provisions of law or regulation.

25. Please describe in detail all of the civil remedies that are available to right holders under the laws of Costa Rica, citing to the relevant provisions of law or regulation.

26. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Costa Rica, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Costa Rica that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

28. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

29. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Costa Rica are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Costa Rica implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

31. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and

destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Costa Rica that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

32. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Costa Rica that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

33. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

34. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

COTE D'IVOIRE

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members and cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain whether and how the copyright law of Cote d'Ivoire complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the copyright law of Cote d'Ivoire protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Cote d'Ivoire.

5. Please state the length and terms of protection the copyright law of Cote d'Ivoire provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.

6. Please describe the protection the copyright law of Cote d'Ivoire provides for performers, and the term of the protection.

7. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Cote d'Ivoire implements these obligations and indicate the term of protection.

C. TRADEMARKS

8. Please describe the subject matter that can comprise a trademark under the trademark law of Cote d'Ivoire.

9. Please describe the procedure that must be followed to register a trademark in Cote d'Ivoire, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

10. Please provide the length and terms of protection the trademark law of Cote d'Ivoire provides for a trademark.

11. In determining whether a mark is well-known, do the relevant authorities in Cote d'Ivoire take account of knowledge of the trademark in the relevant sector of the public, including knowledge obtained as a result of promotion of the trademark, as required under Article 16.2 of the TRIPS Agreement? Please cite the relevant laws, regulations and judicial decisions.

D. GEOGRAPHICAL INDICATIONS

12. Please describe in detail how the laws of Cote d'Ivoire provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

13. Please describe in detail the manner in which the additional protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

14. Please explain whether preexisting trademarks are protected against usurpation by geographical indications, as required under Article 24 of the TRIPS Agreement. Please cite any relevant laws, regulations or judicial decisions.

E. INDUSTRIAL DESIGNS

15. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Cote d'Ivoire, and describe the nature of the protection provided.

16. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

17. Please describe in detail the way in which the patent law of Cote d'Ivoire implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

18. Please describe in detail the rights provided patent holders under the patent law of Cote d'Ivoire and cite to the relevant provisions of law.

19. Please describe in detail any provisions in the laws of Cote d'Ivoire permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

20. What term of protection does the patent law of Cote d'Ivoire provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

21. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Cote d'Ivoire, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Cote d'Ivoire provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

23. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Cote d'Ivoire and cite to the relevant provisions of law.

24. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

25. Please describe in detail the manner in which the laws of Cote d'Ivoire provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

26. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Cote d'Ivoire provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail all of the civil remedies that are available to right holders under the laws of Cote d'Ivoire, citing to the relevant provisions of law or regulation.

28. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Cote d'Ivoire, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

29. Please explain whether the judicial authorities of Cote d'Ivoire have the authority to order the infringer to pay the right holder's expenses, including attorney's fees, as required by Article 45 of the TRIPS Agreement. Please cite any relevant laws, regulations or judicial decisions.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

30. Please describe in detail the procedures under the laws of Cote d'Ivoire that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

31. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

32. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Cote d'Ivoire are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

33. Please describe in detail how the laws of Cote d'Ivoire implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

34. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Cote d'Ivoire that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

35. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Cote d'Ivoire that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

DOMINICA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured

nation treatment are provided to nationals of other WTO Members and cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Dominica protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Dominica.

4. Please state the length and terms of protection the copyright law of Dominica provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.

5. Please describe the protection the copyright law of Dominica provides for performers, and the term of the protection.

6. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Dominica implements these obligations and indicate the term of protection.

C. TRADEMARKS

7. Please describe the subject matter that can comprise a trademark under the trademark law of Dominica.

8. Please describe the procedure that must be followed to register a trademark in Dominica, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

9. Please provide the length and terms of protection the trademark law of Dominica provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

10. Please describe in detail how the laws of Dominica provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

11. Please describe in detail the manner in which the additional protection required for wines and spirits under Article 23.1 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

12. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

13. Please describe in detail the way in which the patent law of Dominica implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

14. Please describe in detail the rights provided patent holders under the patent law of Dominica and cite to the relevant provisions of law.

15. Please describe in detail any provisions in the laws of Dominica permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

16. What term of protection does the patent law of Dominica provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

17. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Dominica, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

18. Please describe in detail how the laws of Dominica provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

19. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Dominica and cite to the relevant provisions of law.

20. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

21. Please describe in detail the manner in which the laws of Dominica provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

22. Please describe in detail all of the civil remedies that are available to right holders under the laws of Dominica, citing to the relevant provisions of law or regulation.

23. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Dominica, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

24. Please describe in detail the procedures under the laws of Dominica that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

25. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

26. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Dominica are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

27. Please describe in detail how the laws of Dominica implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

28. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Dominica that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

29. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

30. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

EGYPT

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured

nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain whether and how the present copyright law of Egypt complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the present copyright law of Egypt protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

4. The Shura Council is presently considering a new draft copyright law for Egypt ("Shura Council draft"). It appears that the most recent version of that draft does not include a definition of "compilation" works compatible with the requirements of Article 10.2 of the TRIPS Agreement. Can you explain how the new law will ensure that copyright protection extends to collections of works or compilations of data, whether in machine readable or other form, which, by reason of the selection or arrangement of their contents, constitute intellectual creations, that is, are original works?

5. Article 10.1 of the TRIPS Agreement requires that computer programs be protected as literary works, "whether in source or object code." It appears that the Shura Council draft includes "computer" programs in its Article 139 list of works to be protected by copyright law, but does not specify "whether in source or object code"? Please explain how parties can be sure that computer programs will be protected under the new law, regardless of their mode or form of expression, unless this is clearly stated in Article 139?

6. Article 11 of the TRIPS Agreement requires that a rental right for computer programs and cinematographic works be available. Please cite to the corresponding provision of the present copyright law of Egypt as well as the Shura Council draft.

7. Please state the length and terms of protection the present copyright law of Egypt provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law. Please state the corresponding terms of protection (and legal provisions) in the Shura Council draft.

8. Please describe the protection Egypt provides for performers, and the term of the protection under the present copyright law of Egypt as well as the Shura Council draft.

9. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how Egypt fulfils these obligations under the present copyright law and how these obligations would be implemented under the Shura Council draft.

10. It appears that Articles 148, 149 and 151 of the Shura Council draft impose significant restrictions on freedom of contract in relation to the transfer of copyright rights. Please explain how these provisions, as presently drafted, would not constitute a barrier to trade.

11. Please explain how Article 154 of the Shura Council draft would fulfil Egypt's obligations under

Article 14.1 of the TRIPS Agreement?

12. Please explain how Article 168 of the Shura Council draft is NOT a compulsory license incompatible with Egypt's obligations under the TRIPS Agreement and the Berne Convention. In particular, please explain how Article 168 meets the requirements of the Berne Appendix for a compulsory license of copyrighted materials.

13. It appears that Article 169(Third) of the Shura Council draft could unreasonably prejudice the legitimate interests of a copyright owner of computer software, particularly as to (Third)(6) in the present draft *not* being limited to obtaining information necessary to achieve the interoperability of an independently created program. Please explain how this issue will be addressed to avoid this problem.

14. Please explain how the Shura Council draft satisfies Egypt's obligations with respect to TRIPS Articles 51-60 to provide effective border measures against infringing goods.

15. Please explain how Article 177 of the Shura Council draft fulfils Egypt's obligation to provide that courts may act *inaudita altera partes* in appropriate cases.

16. It appears that Article 178 of the Shura Council draft would provide for government-sanctioned sale of pirated goods. Please explain how this would not unreasonably prejudice the legitimate interests of a copyright owner and, thereby, violate Article 13 of the TRIPS Agreement.

17. Please explain how Article 179 of the Shura Council draft provides for the availability of criminal fines "sufficient to provide a deterrent" as required by Article 61 of the TRIPS Agreement.

18. It appears that Article 187 of the Shura Council draft does not provide express "points of attachment" for the protection of non-Egyptian copyrighted works. Please explain how the Shura Council draft provides the appropriate points of attachment to fulfil Egypt's TRIPS obligations.

C. TRADEMARKS

19. Please describe the subject matter that can comprise a trademark under the trademark law of Egypt.

20. Please describe the procedure that must be followed to register a trademark in Egypt, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

21. Please provide the length and terms of protection the trademark law of Egypt provides for a trademark.

22. Please explain whether the owner of a registered trademark has the right to assign his trademark with or without the transfer of the business to which the trademark belongs, as required by Article 21 of the TRIPS Agreement.

D. GEOGRAPHICAL INDICATIONS

23. Please describe in detail how the laws of Egypt provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

24. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

25. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Egypt, and describe the nature of the protection provided.

26. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

27. Please describe in detail the way in which the patent law of Egypt implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

28. Please describe in detail the rights provided patent holders under the patent law of Egypt and cite to the relevant provisions of law.

29. Please describe in detail any provisions in the laws of Egypt permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

30. What term of protection does the patent law of Egypt provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

31. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Egypt, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

32. Please describe in detail how the laws of Egypt provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

33. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Egypt and cite to the relevant provisions of law.

34. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

35. Please describe in detail the manner in which the laws of Egypt provide for effective action against infringement of intellectual property rights as required by Article 41 of the TRIPS Agreement. Please address any time limits or delays in the enforcement procedures, as well as whether decisions on the merits of the case are based only upon evidence in respect of which parties were offered the opportunity to be heard.

36. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Egypt provide this authorization, citing to the relevant provisions of law or regulation.

37. Please describe in detail all of the civil remedies that are available to right holders under the laws of Egypt, citing to the relevant provisions of law or regulation.

38. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Egypt, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

39. Please describe in detail the procedures under the laws of Egypt that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

40. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law. Please also explain whether the importer and the right holder are promptly notified of the suspension of the release of the goods by the customs authorities.

41. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Egypt are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

42. Please describe in detail how the laws of Egypt implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

43. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Egypt that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

44. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases

of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Egypt that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

45. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

46. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

FIJI

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members and cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Fiji protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement and cite to the relevant provisions of law.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Fiji.

4. Please state the length and terms of protection the copyright law of Fiji provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.

5. Please describe the protection the copyright law of Fiji provides for performers, and the term of the protection.

6. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Fiji implements these obligations and indicate the term of protection.

C. TRADEMARKS

7. Please describe the subject matter that can comprise a trademark under the trademark law of Fiji.
8. Please describe the procedure that must be followed to register a trademark in Fiji, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.
9. Please provide the length and terms of protection the trademark law of Fiji provides for a trademark.
10. Please explain whether the laws of Fiji provide well-known servicemarks with the same protection as well-known trademarks under Article 6^{bis} of the Paris Convention, as required by Article 16.2 of the TRIPS Agreement.
11. Please explain whether the relevant authorities in Fiji, in determining whether a mark is well-known, take account of knowledge of a trademark in the relevant sector of the public, including knowledge obtained as a result of promotion of the trademark.
12. Please explain in detail how well-known trademarks are protected in Fiji and cite to the relevant provisions of law.

D. GEOGRAPHICAL INDICATIONS

13. Please describe in detail how the laws of Fiji provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.
14. Please describe in detail the manner in which the additional protection required for wines and spirits under Article 23.1 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

15. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Fiji, and describe the nature of the protection provided.
16. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

17. Please describe in detail the way in which the patent law of Fiji implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.
18. Please describe in detail the rights provided patent holders under the patent law of Fiji and cite to the relevant provisions of law.
19. Please describe in detail any provisions in the laws of Fiji permitting unauthorized use of a patent,

citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

20. What term of protection does the patent law of Fiji provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

21. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Fiji, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Fiji provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

23. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Fiji and cite to the relevant provisions of law.

24. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

25. Please describe in detail the manner in which the laws of Fiji provide for effective action against infringement of intellectual property rights as required by Article 41 of the TRIPS Agreement.

26. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Fiji provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail all of the civil remedies that are available to right holders under the laws of Fiji, citing to the relevant provisions of law or regulation.

28. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Fiji, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

29. Please describe in detail the procedures under the laws of Fiji that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

30. Please indicate if border enforcement is available to owners of other forms of intellectual property

and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

31. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Fiji are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

32. Please describe in detail how the laws of Fiji implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

33. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Fiji that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

34. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

35. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

GEORGIA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members and cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please confirm that individual copies of computer programs may not be rented even after they have been sold and cite to the relevant provision of the copyright law of Georgia or of the Civil Code.

3. As part of the Working Party Report on the Accession of Georgia to the WTO, Georgia predicted that the provisions on copyright contained in the Civil Code likely would be revoked when the Civil Code was next updated so that Georgia's law on copyright of 22 July 1999 would be the source of copyright protection in Georgia. Please advise of any concrete plans to do this or estimate when this might be done.

C. TRADEMARKS

4. In determining whether a trademark is well-known in Georgia, what factors are considered. Please cite to any relevant regulations or court decisions reflecting these factors.

D. GEOGRAPHICAL INDICATIONS

5. Please describe in detail how the new law "On the Protection of Appellations of Origin and Geographical Indications" of June 22, 1999, provides for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions. Please provide any examples of domestic geographical indications that have been so recognized and protected.

6. Please describe in detail the manner in which the law implements the additional protection required for wines and spirits under Article 23.1 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

7. Please describe in detail the protection available in Georgia for textile designs, including the procedure required to obtain such protection and cite to the relevant provisions of law or regulation.

F. PATENTS

8. Please describe in detail the factors considered, under Georgia's new patent law, in determining to deny a patent because the claimed invention might provoke or encourage inhumane, immoral and/or anti-social actions. Please specify whether this provision has ever been invoked.

9. During the Working Party process, Georgia reported that the law "On Protection of Selection Achievements" was consistent with the obligations of the Convention for the Protection of New Plant Varieties (UPOV). Please explain whether Georgia has any plans to join UPOV.

10. Please provide the current annual fees that are required by Shakpatenti to maintain a patent. Please explain in detail the process for reinstating a patent that has expired for non-payment of the annual fees under Article 54 of the patent laws of Georgia.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

11. Please describe in detail the protection for layout-designs of integrated circuits provided by the law "On Topographies of Integrated Circuits", including the term of protection.

H. PROTECTION OF UNDISCLOSED INFORMATION

12. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Georgia and cite to the relevant provisions of law.

13. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

14. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Georgia provide this authorization, citing to the relevant provisions of law or regulation.

15. Please describe in detail all of the civil remedies that are available to right holders under the laws of Georgia, citing to the relevant provisions of law or regulation.

16. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Georgia, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

17. Please describe in detail the procedures a trademark or copyright owner would be required to follow under the law "On Intellectual Property Related Border Measures" to obtain border enforcement against trademark counterfeiting and copyright piracy, respectively, identifying the competent authority and citing to the relevant provisions of the law or regulation.

18. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

19. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Georgia are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

20. Please describe in detail how the Criminal Code of Georgia implements Article 61 of the TRIPS Agreement, which requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of the Criminal Code.

21. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the Criminal Code that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

22. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases

of wilful infringement of other forms of intellectual property. Please describe any provisions in the Criminal Code that provide for such procedures and remedies, citing to the relevant provisions.

L. STATISTICAL QUESTIONS

23. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

24. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

GHANA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Ghana protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Ghana.

4. Please describe the protection the copyright law of Ghana provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Ghana implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Ghana.

7. Please describe the procedure that must be followed to register a trademark in Ghana, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please provide the length and terms of protection the trademark law of Ghana provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of Ghana provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

10. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

11. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

12. Please describe in detail the way in which the patent law of Ghana implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

13. Please describe in detail the rights provided patent holders under the patent law of Ghana and cite to the relevant provisions of law.

14. Please describe in detail any provisions in the laws of Ghana permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

15. What term of protection does the patent law of Ghana provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

16. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Ghana, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

17. Please describe in detail how the laws of Ghana provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

18. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Ghana and cite to the relevant provisions of law.

19. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

20. Please describe in detail the manner in which the laws of Ghana provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

21. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Ghana provide this authorization, citing to the relevant provisions of law or regulation.

22. Please describe in detail all of the civil remedies that are available to right holders under the laws of Ghana, citing to the relevant provisions of law or regulation.

23. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Ghana, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

24. Please describe in detail the procedures under the laws of Ghana that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

25. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

26. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Ghana are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

27. Please describe in detail how the laws of Ghana implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

28. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Ghana that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

29. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Ghana that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

30. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

31. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

HONDURAS

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Honduras protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Honduras.

4. Please describe the protection the copyright law of Honduras provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Honduras implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Honduras.

7. Please describe the procedure that must be followed to register a trademark in Honduras, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please provide the length and terms of protection the trademark law of Honduras provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of Honduras provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

10. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

11. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

12. Please describe in detail the way in which the patent law of Honduras implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

13. Please describe in detail the rights provided patent holders under the patent law of Honduras and cite to the relevant provisions of law.

14. Please describe in detail any provisions in the laws of Honduras permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

15. What term of protection does the patent law of Honduras provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

16. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Honduras, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

17. Please describe in detail how the laws of Honduras provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

18. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Honduras and cite to the relevant provisions of law.

19. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

20. Please describe in detail the manner in which the laws of Honduras provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

21. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Honduras provide this authorization, citing to the relevant provisions of law or regulation.

22. Please describe in detail all of the civil remedies that are available to right holders under the laws of Honduras, citing to the relevant provisions of law or regulation.

23. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Honduras, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

24. Please describe in detail the procedures under the laws of Honduras that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

25. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

26. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Honduras are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

27. Please describe in detail how the laws of Honduras implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

28. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and

destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Honduras that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

29. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Honduras that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

30. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

31. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

JAMAICA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Jamaica protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Jamaica.

4. Please describe the protection the copyright law of Jamaica provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Jamaica implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Jamaica.

7. Please describe the procedure that must be followed to register a trademark in Jamaica, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please provide the length and terms of protection the trademark law of Jamaica provides for a trademark.

9. Please explain whether well-known service marks are given the same protection as well-known trademarks under Article 6bis of the Paris Convention, as required by Article 16.2 of the TRIPS Agreement.

D. GEOGRAPHICAL INDICATIONS

10. Please describe in detail how the laws of Jamaica provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

11. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

12. Are preexisting trademarks protected, under Jamaican law, against usurpation by geographical indications?

E. INDUSTRIAL DESIGNS

13. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

14. Please describe in detail the way in which the patent law of Jamaica implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

15. Please describe in detail the rights provided patent holders under the patent law of Jamaica and cite to the relevant provisions of law.

16. Please describe in detail any provisions in the laws of Jamaica permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

17. What term of protection does the patent law of Jamaica provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

18. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Jamaica, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

19. Please describe in detail how the laws of Jamaica provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

20. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Jamaica and cite to the relevant provisions of law.

21. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

22. Please describe in detail the manner in which the laws of Jamaica provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

23. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Jamaica provide this authorization, citing to the relevant provisions of law or regulation.

24. Please describe in detail all of the civil remedies that are available to right holders under the laws of Jamaica, citing to the relevant provisions of law or regulation.

25. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Jamaica, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

26. Please describe in detail the procedures under the laws of Jamaica that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

27. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

28. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Jamaica are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

29. Please describe in detail how the laws of Jamaica implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

30. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Jamaica that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

31. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Jamaica that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

32. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

33. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

KENYA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Kenya protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Kenya.

4. Please describe the protection the copyright law of Kenya provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Kenya implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Kenya.

7. Please provide the length and terms of protection the trademark law of Kenya provides for a trademark.

8. Please describe in detail how well-known marks are protected under the laws of Kenya.

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of Kenya provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

10. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

11. Please explain whether pre-existing trademarks are protected against usurpation by geographical indications.

E. INDUSTRIAL DESIGNS

12. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

13. Please describe in detail the way in which the patent law of Kenya implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

14. Please describe in detail the rights provided patent holders under the patent law of Kenya and cite to the relevant provisions of law.

15. Please describe in detail any provisions in the laws of Kenya permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use

can occur.

16. What term of protection does the patent law of Kenya provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

17. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Kenya, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

18. Please describe in detail how the laws of Kenya provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

19. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Kenya and cite to the relevant provisions of law.

20. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

21. Please describe in detail the manner in which the laws of Kenya provide for effective action against infringement of intellectual property rights as required by Article 41 of the TRIPS Agreement. Please also explain any delays that may be associated with the enforcement of intellectual property rights.

22. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Kenya provide this authorization, citing to the relevant provisions of law or regulation.

23. Please describe in detail all of the civil remedies that are available to right holders under the laws of Kenya, citing to the relevant provisions of law or regulation.

24. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Kenya, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

25. Please describe in detail the procedures under the laws of Kenya that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

26. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual

property, citing the relevant provisions of law.

27. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Kenya are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

28. Please describe in detail how the laws of Kenya implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

29. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Kenya that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

30. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Kenya that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

31. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

32. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

MAURITIUS

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Mauritius protects computer programs as literary works

and complications of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Mauritius.

4. Please describe the protection the copyright law of Mauritius provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Mauritius implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Mauritius.

7. Please provide the length and terms of protection the trademark law of Mauritius provides for a trademark.

8. Please explain whether the relevant authorities in Mauritius take account of the knowledge of the trademark in the relevant sector of the public, including knowledge obtained as a result of promotion of the trademark, in determining whether a mark is well-known, as required under Article 16.2 of the TRIPS Agreement.

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of Mauritius provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

10. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

11. Please explain whether pre-existing trademarks are protected, under the laws of Mauritius, against usurpation by geographical indications, as required by Article 24 of the TRIPS Agreement.

E. INDUSTRIAL DESIGNS

12. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

13. Please describe in detail the way in which the patent law of Mauritius implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the

protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

14. Please describe in detail the rights provided patent holders under the patent law of Mauritius and cite to the relevant provisions of law.

15. Please describe in detail any provisions in the laws of Mauritius permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

16. What term of protection does the patent law of Mauritius provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law. Please also describe any factors that the Governor-General would consider in deciding whether to extend a patent's term for another 14 years.

17. Please explain the meaning of the terms "partly printed" and "partly written", under Article 25 of the Mauritius Patent Act. Would a written description of only a portion of a claimed invention be sufficient to defeat its novelty?

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

18. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Mauritius, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

19. Please describe in detail how the laws of Mauritius provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

20. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Mauritius and cite to the relevant provisions of law.

21. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

22. Please describe in detail the manner in which the laws of Mauritius provide for effective action against infringement of intellectual property rights as required by Article 41 of the TRIPS Agreement. Please also address how decisions on the merits of a case are consistent with the requirements of Article 41 of the TRIPS Agreement, under the laws of Mauritius.

23. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Mauritius provide this authorization, citing to the relevant provisions of law or regulation.

24. Please describe in detail all of the civil remedies that are available to right holders under the laws of Mauritius, citing to the relevant provisions of law or regulation.

25. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Mauritius, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

26. Please explain whether, under the laws of Mauritius, materials used in the creation of infringing goods can be ordered to be disposed of outside of the channels of commerce, without compensation of any sort.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Mauritius that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

28. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

29. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Mauritius are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Mauritius implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

31. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Mauritius that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

36. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Mauritius that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

37. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing

equipment seized; cases resolved (including settlement); and the amount of damages awarded.

38. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

MOROCCO

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Morocco protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Morocco.

4. Please describe the protection the copyright law of Morocco provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Morocco implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of Morocco.

7. Please describe the procedure that must be followed to register a trademark in Morocco, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please provide the length and terms of protection the trademark law of Morocco provides for a trademark.

9. Please explain whether trademarks are published either before or promptly after registration in Morocco, as required by Article 15.5 of the TRIPS Agreement.

10. Please explain whether the trademark law of Morocco provides an opportunity for the registration

of a trademark to be opposed.

D. GEOGRAPHICAL INDICATIONS

11. Please describe in detail how the laws of Morocco provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

12. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

13. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

14. Please explain how Moroccan law or procedures provide an opportunity for the judicial review of any decision to revoke or forfeit a patent, as required by Article 32 of the TRIPS Agreement.

15. Please explain how the Moroccan patent law provides for reversal of the burden of proof, as required by Article 34 of the TRIPS Agreement, if: (a) the product obtained by the patented process is new; or (b) there is a substantial likelihood that the identical product was made by the process and the owner of the patent has been unable through reasonable efforts to determine the process actually used.

16. Articles 60-66 of Morocco's patent law are directed toward "compulsory licensing". Article 31 establishes a number of specific conditions for granting of compulsory licenses. Please describe in detail how each of the safeguards enumerated in Article 31 of the TRIPS Agreement is met in granting any compulsory license.

17. The patent law excludes new varieties of plants from patent protection and states that such varieties are governed by law 9.94. Please describe in detail the provisions of law 9.94, and any other laws and regulations regarding plant variety protection in Morocco.

18. Please explain in detail how the exclusions set forth in Article 23 of the Moroccan patent law are consistent with the full scope of patentability that is required under Article 27 of the TRIPS Agreement.

19. Please explain what is meant the exceptions provided under Article 37 of the Moroccan patent law for items contrary to public order, unfair declarations related to the goods or methods of others, elements which have no relation with the description, and "restrictions, conditions or reservations." Please describe the factors that are considered in determining whether these conditions exist and indicate whether there is an opportunity for the patent applicant to contest a adverse decisions under this Article.

20. Article 55 of the Moroccan patent law contains a listing of items that the "rights entitled by the patent do not include". This section appears to create exceptions to the exclusive rights conferred by a patent, as indicated by Article 28 of the TRIPS Agreement. Please explain how each of these exceptions is consistent with the TRIPS Agreement, particularly the requirement that exceptions to the exclusive patent rights do not unreasonably conflict with a normal exploitation of the patent and do not

unreasonably prejudice the legitimate interests of the patent owner, as required by Article 30 of the TRIPS Agreement.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

21. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Morocco, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Morocco provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

23. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Morocco and cite to the relevant provisions of law.

24. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

25. Please describe in detail the manner in which the laws of Morocco provide for effective action against infringement of intellectual property rights as required by Article 41 of the TRIPS Agreement. Please address any time limits or unwarranted delays that may be associated with the enforcement process.

26. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Morocco provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail all of the civil remedies that are available to right holders under the laws of Morocco, citing to the relevant provisions of law or regulation.

28. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Morocco, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

29. Please describe in detail the procedures under the laws of Morocco that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

30. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual

property, citing the relevant provisions of law.

31. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Morocco are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

32. Please describe in detail how the laws of Morocco implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

33. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Morocco that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

34. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Morocco that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

35. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

36. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

NICARAGUA

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain whether and how the copyright law of Nicaragua complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the copyright law of Nicaragua protects computer programs as literary works and complications of data as required by Article 10 of the TRIPS Agreement.

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Nicaragua.

5. Please describe the protection the copyright law of Nicaragua provides for performers, and the term of the protection.

6. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Nicaragua implements these obligations and indicate the term of protection.

C. TRADEMARKS

7. Please describe the subject matter that can comprise a trademark under the trademark law of Nicaragua.

8. Please describe the procedure that must be followed to register a trademark in Nicaragua, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

9. Please provide the length and terms of protection the trademark law of Nicaragua provides for a trademark.

10. Please explain whether well-known service marks are granted the same level of protection as well-known trademarks under the laws of Nicaragua.

11. Please explain whether the relevant authorities in Nicaragua take account of the knowledge of the trademark in the relevant sector of the public, including knowledge obtained as a result of promotion of the mark, in determining whether a mark is well-known, as required by Article 16.2 of the TRIPS Agreement.

D. GEOGRAPHICAL INDICATIONS

12. Please describe in detail how the laws of Nicaragua provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

13. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of

law or regulation, and provide examples of geographical indications for such products.

14. Please explain whether preexisting trademarks are protected against usurpation by geographical indications under the laws of Nicaragua.

E. INDUSTRIAL DESIGNS

15. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

16. Please describe in detail the way in which the patent law of Nicaragua implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

17. Please describe in detail the rights provided patent holders under the patent law of Nicaragua and cite to the relevant provisions of law.

18. Please describe in detail any provisions in the laws of Nicaragua permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

19. What term of protection does the patent law of Nicaragua provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

20. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Nicaragua, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION UNDISCLOSED INFORMATION

21. Please describe in detail how the laws of Nicaragua provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

22. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Nicaragua and cite to the relevant provisions of law.

23. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

24. Please describe in detail the manner in which the laws of Nicaragua provide for effective action

against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

25. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Nicaragua provide this authorization, citing to the relevant provisions of law or regulation.

26. Please describe in detail all of the civil remedies that are available to right holders under the laws of Nicaragua, citing to the relevant provisions of law or regulation.

27. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Nicaragua, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

28. Please describe in detail the procedures under the laws of Nicaragua that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

29. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

30. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in Nicaragua are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

31. Please describe in detail how the laws of Nicaragua implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

32. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Nicaragua that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

33. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Nicaragua that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

34. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

35. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

THE PHILIPPINES

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of the Philippines protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of the Philippines.

4. Please describe the protection the copyright law of the Philippines provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of the Philippines implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of the Philippines.

7. Please describe the procedure that must be followed to register a trademark in the Philippines, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please provide the length and terms of protection the trademark law of the Philippines provides

for a trademark.

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of the Philippines provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

10. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

11. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

12. Please describe in detail the way in which the patent law of the Philippines implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

13. Please describe in detail the rights provided patent holders under the patent law of the Philippines and cite to the relevant provisions of law.

14. Please describe in detail any provisions in the laws of the Philippines permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

15. What term of protection does the patent law of the Philippines provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

16. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of the Philippines, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

17. Please describe in detail how the laws of the Philippines provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

18. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in the Philippines and cite to the relevant provisions of law.

19. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

20. Please describe in detail the manner in which the laws of the Philippines provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

21. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of the Philippines provide this authorization, citing to the relevant provisions of law or regulation.

22. Please describe in detail all of the civil remedies that are available to right holders under the laws of the Philippines, citing to the relevant provisions of law or regulation.

23. Please describe in detail the provisional procedures and remedies available to right holders under the laws of the Philippines, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

24. Please describe in detail the procedures under the laws of the Philippines that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

25. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

26. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in the Philippines are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

27. Please describe in detail how the laws of the Philippines implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

28. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of the Philippines that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to

the relevant provisions of law or regulation.

29. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of the Philippines that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

30. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

31. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

SAINT KITTS AND NEVIS

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of St. Kitts and Nevis protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

3. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of St. Kitts and Nevis.

4. Please describe the protection the copyright law of St. Kitts and Nevis provides for performers, and the term of the protection.

5. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of St. Kitts and Nevis implements these obligations and indicate the term of protection.

C. TRADEMARKS

6. Please describe the subject matter that can comprise a trademark under the trademark law of St.

Kitts and Nevis.

7. Please describe the procedure that must be followed to register a trademark in St. Kitts and Nevis, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

8. Please describe in detail how well-known trademarks are protected in St. Kitts and Nevis, including what factors are considered in determining whether a trademark is well-known.

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of St. Kitts and Nevis provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

10. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

11. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

11. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

16. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of St. Kitts and Nevis, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

17. Please describe in detail how the laws of St. Kitts and Nevis provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

18. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in St. Kitts and Nevis and cite to the relevant provisions of law.

19. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

20. Please describe in detail the manner in which the laws of St. Kitts and Nevis provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.

21. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of St. Kitts and Nevis provide this authorization, citing to the relevant provisions of law or regulation.

22. Please describe in detail all of the civil remedies that are available to right holders under the laws of St. Kitts and Nevis, citing to the relevant provisions of law or regulation.

23. Please describe in detail the provisional procedures and remedies available to right holders under the laws of St. Kitts and Nevis, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

24. Please describe in detail the procedures under the laws of St. Kitts and Nevis that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

25. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

26. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in St. Kitts and Nevis are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

27. Please describe in detail how the laws of St. Kitts and Nevis implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

28. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of St. Kitts and Nevis that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

29. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of St. Kitts and Nevis that provide for such procedures and remedies, citing to the relevant provisions of

law or regulation.

L. STATISTICAL QUESTIONS

30. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

31. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.

UNITED ARAB EMIRATES

A. GENERAL

1. Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which nation treatment and most favoured nation treatment are provided to nationals of other WTO Members.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain whether and how the copyright law of the United Arab Emirates complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6^{bis}, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.

3. Please explain how the copyright law of the United Arab Emirates protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.

4. Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of the United Arab Emirates.

5. Please state the length and terms of protection the copyright law of the United Arab Emirates provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.

6. Please describe the protection the copyright law of the United Arab Emirates provides for performers, and the term of the protection.

7. Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of the United Arab Emirates implements these obligations and indicate the term of protection.

C. TRADEMARKS

8. Please describe the subject matter that can comprise a trademark under the trademark law of the United Arab Emirates.

9. Please describe the procedure that must be followed to register a trademark in the United Arab Emirates, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.

10. Please provide the length and terms of protection the trademark law of the United Arab Emirates provides for a trademark. Please explain how the length and terms of trademark protection in the United Arab Emirates are consistent with Article 18 of the TRIPS Agreement.

11. Please explain whether the trademark law of the United Arab Emirates is consistent with Article 20 of the TRIPS Agreement, which requires that the use of a trademark shall not be unjustifiably encumbered by special requirements such as use with another trademark, use in a special form or use in a manner detrimental to the trademark's capacity to distinguish the goods or services of one undertaking from those of other undertakings. Please cite any relevant laws, regulations and judicial decisions.

12. Please explain whether the law of the United Arab Emirates complies with Article 21 of the TRIPS Agreement, which requires that the licensing of trademarks shall not be compulsory.

D. GEOGRAPHICAL INDICATIONS

13. Please describe in detail how the laws of the United Arab Emirates provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.

14. Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.

E. INDUSTRIAL DESIGNS

15. Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of the United Arab Emirates, and describe the nature of the protection provided.

16. Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.

F. PATENTS

17. Please describe in detail the way in which the patent law of the United Arab Emirates implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.

18. Please describe in detail the rights provided patent holders under the patent law of the United

Arab Emirates and cite to the relevant provisions of law.

19. Please describe in detail any provisions in the laws of the United Arab Emirates permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.

20. What term of protection does the patent law of the United Arab Emirates provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

21. Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of the United Arab Emirates, including the term of protection, and cite to the relevant provisions of law.

H. PROTECTION OF UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of the United Arab Emirates provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.

23. Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in the United Arab Emirates and cite to the relevant provisions of law.

24. Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.

I. ENFORCEMENT

25. Please describe in detail the manner in which the laws of the United Arab Emirates provide for effective action against infringement of intellectual property rights as required by Article 41 of the TRIPS Agreement. Please address the cost and any possible delays that are associated with the enforcement of intellectual property rights in the United Arab Emirates.

26. Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of the United Arab Emirates provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail all of the civil remedies that are available to right holders under the laws of the United Arab Emirates, citing to the relevant provisions of law or regulation.

28. Please describe in detail the provisional procedures and remedies available to right holders under the laws of the United Arab Emirates, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.

29. Please explain whether the judicial authorities of the United Arab Emirates have the authority to order that goods found to be infringing, as well as the materials for making them, be disposed of outside of outside of the channels of commerce, as required by Article 46 of the TRIPS Agreement.

J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

30. Please describe in detail the procedures under the laws of the United Arab Emirates that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.

31. Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.

32. Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act *ex officio*. Please explain whether the competent authorities in the United Arab Emirates are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. CRIMINAL PROCEDURES

33. Please describe in detail how the laws of the United Arab Emirates implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

34. Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of the United Arab Emirates that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.

35. Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of the United Arab Emirates that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

L. STATISTICAL QUESTIONS

36. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.

37. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.
