

WORLD TRADE ORGANIZATION

RESTRICTED

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**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 25 January 2001, the Secretariat has received a copy of the following questions that the United States has addressed to Bolivia, Brazil, Cameroon, Congo, Grenada, Guyana, Namibia, Papua New Guinea, Saint Lucia, Suriname and Venezuela, respectively.

BOLIVIA

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 national 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 Bolivia 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 Bolivia 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 Bolivia.

5. Please state the length and terms of protection the copyright law of Bolivia 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 Bolivia 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 Bolivia implements these obligations and indicate the term of protection.

8. Please provide an update, summary and text of any current legal reform projects involving copyright as well as any pending criminal legislation that may have an effect on copyright.

9. Please describe how the Bolivian laws provide express protection for preexisting works, performances and sound recordings, as required by Articles 9.1, 14.5 and 14.6 of the TRIPS Agreement. If such protection is not expressly afforded under current statutes, please explain whether the TRIPS Agreement is self-executing in Bolivia.

10. While the 1992 Copyright Law protects "computer programs" under the law, it does not appear to protect them as "literary works." Separate protection for computer programs is found in a 1997 presidential decree. Please explain in detail how the laws of Bolivia protect computer programs as "literary works" as required by Article 10.1 of the TRIPS Agreement.

C. TRADEMARKS

11. Please describe the subject matter that can comprise a trademark under the trademark law of Bolivia.

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

13. Please provide the length and terms of protection that the trademark law of Bolivia provides for a trademark.

14. Please explain how the Bolivian law provides for the protection of well-known marks for dissimilar products, as required by Article 16.3 of the TRIPS Agreement. Please cite to the relevant provisions of the laws and regulations.

15. Please explain whether Bolivian law permits the registration of generic terms, which are in the English or Spanish language, citing any relevant laws or regulations.

D. GEOGRAPHICAL INDICATIONS

16. Please describe in detail how the laws of Bolivia 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.

17. 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

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

19. 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

20. Please describe in detail the way in which the patent law of Bolivia 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.

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

22. Please describe in detail any provisions in the laws of Bolivia 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.

23. What term of protection does the patent law of Bolivia 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

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

H. UNDISCLOSED INFORMATION

25. Please describe in detail how the laws of Bolivia 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.

26. 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 Bolivia and cite to the relevant provisions of law.

27. 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

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

29. 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 Bolivia provide this authorization, citing to the relevant provisions of law or regulation.

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

31. Please explain how civil remedies are being applied in Bolivia at levels "adequate to compensate for the injury the right holder has suffered," as required by Article 45.1 of the TRIPS Agreement.

32. Please describe in detail the provisional procedures and remedies available to right holders under the laws of Bolivia, 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.

33. Please explain how criminal remedies are "expeditious" and "avoid unwarranted delays" so as to prevent infringements, as required by Articles 41.1 and 61 of the TRIPS Agreement.

J. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

34. Please describe in detail the procedures under the laws of Bolivia 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.

35. 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.

36. 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 Bolivia are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

37. Please describe in detail how the laws of Bolivia 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 willful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.

38. 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 offense. Please describe the provisions in the laws of Bolivia 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.

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

L. STATISTICAL QUESTIONS

40. 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.

41. 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.

BRAZIL

In the interest of furthering the work of the TRIPS Council, we hope that Brazil will respond to these questions, none of which concerns the subject matter of our recent consultations.

A. GENERAL

1. With respect to each form of intellectual property covered by Part II of the TRIPS Agreement, including plant variety protection, please explain the manner in which the laws of Brazil ensure that nationals of other WTO Members receive national treatment and most-favored-nation treatment as required by Articles 3 and 4 of the TRIPS Agreement. Please cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please describe in detail the operation of the Brazilian *sui generis* database protection law that was recently enacted.

3. Please explain how the copyright law of Brazil 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 Brazil.

5. Please state the length and terms of protection the copyright law of Brazil 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 Brazil 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 Brazil implements these obligations and indicate the term of protection.

C. TRADEMARKS

8. Please indicate whether all of the subject matter that is described under Article 15.1 of the TRIPS Agreement is protected under the Brazilian trademark law. Please explain in detail any conditions that are imposed upon the protection of any signs or combinations of signs under the Brazilian law, citing any relevant laws, regulations or judicial decisions.

9. Please describe the criteria that are used to determine whether a trademark or service mark is well known, citing to the relevant provisions of law and regulations.

10. Please explain how the Brazilian law provides for the protection of well-known marks for dissimilar products, as required by Article 16.3 of the TRIPS Agreement. Please cite to the relevant provisions of the laws and regulations.

11. Please explain whether Brazilian law permits the registration of generic terms, which are in the English or Portuguese language, citing any relevant laws or regulations.

D. PATENTS

12. Article 27.1 of the TRIPS Agreement requires that, with specified exceptions, patents be available for any inventions, whether products or processes, in all fields of technology, if they are new, involve an inventive step and are capable of industrial application. Please explain in detail how Article 10 of the Brazilian Industrial Property Law 9.279 of 1996, which makes computer programs unpatentable, is consistent with Article 27.

13. Article 27.3 of the TRIPS Agreement allows Members to except from patentability, plants and animals other than microorganisms. It is not clear from Article 10 of the Brazilian Industrial Property Law of 1996 whether microorganisms are patentable. Please explain whether and under what circumstances such microorganisms are patentable in Brazil.

14. Please explain whether Article 10 IX of the Brazilian patent law of 1996, which excludes from patentability all or part of natural human beings and biological materials found in nature, even if isolated therefrom, would exclude from patentability a drug that was isolated from a plant, purified and determined to be biologically active.

15. Please explain in detail how each of the items indicated in Article 18 is consistent with Article 27 of the TRIPS Agreement.

16. Article 11 provides that an invention is not considered to be new if it became accessible to the public prior to the filing date of the patent application by means of a written or oral description, by use or by other means. Please describe in detail the evidence that is required by the Brazilian Patent Office to establish a bar to patentability based on oral prior art. Please also describe in detail what may be considered other means under the Brazilian law.

17. Our translation of Article 16 states that an invention or utility model is not considered susceptible of industrial application when they can be used in any kind of industry. Please indicate whether this is an accurate translation of the Brazilian law. If this translation is accurate, please explain in detail what is meant by produced in any kind of industry. If this translation is not accurate, please provide an accurate translation.

18. Article 34 requires that documents necessary to regularize the processing and examination of the application be submitted within 60 days of the Brazilian Patent Office's request to avoid dismissal of the application. Please describe in detail what is meant by documents necessary to regularize the processing and examination of the application.

19. Article 40 provides that a patent term is twenty years from the date of filing. Please confirm that this term applies to patents that issued before the effective date of Law 9.279, as required by Article 70.2 of the TRIPS Agreement.

20. Articles 60 and 62 provide that entries made by INPI related to assignments, limitations on the application or patent, or changes in the name, headquarter or address of the applicant shall become effective with regard to third parties beginning on the date of their publication. Please indicate the average period of time between the filing of an assignment, or other entry, and its publication.

21. Please explain in detail how the exemptions from liability provided for in Article 43 of the Brazilian law are consistent with Article 30 of the TRIPS Agreement.
22. Articles 58-60 of the Brazilian patent law provide for the assignment of patent applications and the recording of assignments. Please indicate the average time period between the date that an assignment is filed and the date that it is published.
23. Please describe in detail how the Brazilian law provides for the protection of undisclosed information that is secret as defined in Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.
24. Please describe in detail the manner in which protection is provided for test data regarding pharmaceutical and agricultural chemical products, which is submitted to the government in order to obtain marketing approval in Brazil, and cite to the relevant provisions of law.
25. Please explain whether applicants for marketing approval are permitted to rely on data submitted by an earlier applicant. If so, how long a period of exclusivity is given the earlier applicant before such reliance by others becomes possible.

E. ENFORCEMENT

26. Please describe the procedure for the prompt notification of the importer and the applicant of the suspension of the release of goods under Article 54 of the TRIPS Agreement, citing any relevant laws and regulations.
27. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design, and trade secret enforcement for the year 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.
28. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for the year 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.
29. Please provide the average time that it takes in Brazil for the authorities to investigate a reported copyright violation and for a prosecutor to file a criminal copyright case. Also, please provide the average time that is required to complete a criminal prosecution of a copyright case and to complete a civil copyright case on appeal.

CAMEROON

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 national 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 Cameroon 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 Cameroon 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 Cameroon.

5. Please state the length and terms of protection the copyright law of Cameroon 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 Cameroon 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 Cameroon 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 Cameroon.

9. Please describe the procedure that must be followed to register a trademark in Cameroon, 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 that the trademark law of Cameroon provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

11. Please describe in detail how the laws of Cameroon 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 industrial designs, citing to the provisions of the law of Cameroon, and describe the nature of the protection provided.

14. 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

15. Please describe in detail the way in which the patent law of Cameroon 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.

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

17. Please describe in detail any provisions in the laws of Cameroon 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.

18. What term of protection does the patent law of Cameroon 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

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

H. UNDISCLOSED INFORMATION

20. Please describe in detail how the laws of Cameroon 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.

21. 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 Cameroon 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

23. Please describe in detail the manner in which the laws of Cameroon 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 Cameroon provide this authorization, citing to the relevant provisions of law or regulation.

25. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Cameroon, 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 Cameroon, 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. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Cameroon 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 Cameroon are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT – CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Cameroon 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 willful 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 offense. Please describe the provisions in the laws of Cameroon 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Cameroon 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.

CONGO

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 national 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 Congo 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 Congo 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 Congo.

5. Please state the length and terms of protection the copyright law of Congo 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 Congo 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 Congo 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 Congo.

9. Please describe the procedure that must be followed to register a trademark in Congo, 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 that the trademark law of Congo provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

11. Please describe in detail how the laws of Congo 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 industrial designs, citing to the provisions of the law of Congo, and describe the nature of the protection provided.

14. 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

15. Please describe in detail the way in which the patent law of Congo 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.

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

17. Please describe in detail any provisions in the laws of Congo 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.

18. What term of protection does the patent law of Congo 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

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

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20. Please describe in detail how the laws of Congo 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.

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I. ENFORCEMENT – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

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J. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Congo 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 Congo are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Congo 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 willful 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 offense. Please describe the provisions in the laws of Congo 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.

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L. STATISTICAL QUESTIONS

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GRENADA

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 national 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 Grenada 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 Grenada 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 Grenada.

5. Please state the length and terms of protection the copyright law of Grenada 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 Grenada 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 Grenada 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 Grenada.

9. Please describe the procedure that must be followed to register a trademark in Grenada, 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 that the trademark law of Grenada provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

11. Please describe in detail how the laws of Grenada 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 industrial designs, citing to the provisions of the law of Grenada, and describe the nature of the protection provided.

14. 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

15. Please describe in detail the way in which the patent law of Grenada 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.

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

17. Please describe in detail any provisions in the laws of Grenada 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.

18. What term of protection does the patent law of Grenada 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

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

H. UNDISCLOSED INFORMATION

20. Please describe in detail how the laws of Grenada 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.

21. 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 Grenada 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

23. Please describe in detail the manner in which the laws of Grenada 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 Grenada provide this authorization, citing to the relevant provisions of law or regulation.

25. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Grenada, 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 Grenada, 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. ENFORCEMENT -SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Grenada 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 Grenada are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Grenada 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 willful 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 offense. Please describe the provisions in the laws of Grenada 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Grenada 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.

GUYANA

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 national 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 Guyana 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 Guyana.

4. Please state the length and terms of protection the copyright law of Guyana 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 Guyana 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 Guyana 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 Guyana.

8. Please describe the procedure that must be followed to register a trademark in Guyana, 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 that the trademark law of Guyana provides for a trademark.

10. Please explain whether well-known service marks are granted the same protection as well-known trademarks under the laws of Guyana, as required by *6bis* of the Paris Convention and Article 16.2. of the TRIPS Agreement.

11. Please explain whether use is required to maintain a trademark registration in Guyana. If use is required, please confirm that a registration may be canceled only after an uninterrupted period of at least three years of non-use, as required by Article 19.1 of the TRIPS Agreement.

D. GEOGRAPHICAL INDICATIONS

12. Please describe in detail how the laws of Guyana 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 confirm that there are legal means for interested parties to prevent use of a geographical indication identifying wines or spirits not originating in the place indicated by the geographical indication in question and indicating all relevant laws and 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 Guyana, 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 Guyana 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 Guyana and cite to the relevant provisions of law.

19. Please describe in detail any provisions in the laws of Guyana 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 Guyana 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 Guyana, including the term of protection, and cite to the relevant provisions of law.

H. UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Guyana 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 Guyana 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

25. Please describe in detail the manner in which the laws of Guyana 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 Guyana provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Guyana, 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 Guyana, 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. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

29. Please describe in detail the procedures under the laws of Guyana 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 Guyana are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

32. Please describe in detail how the laws of Guyana 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 willful 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 offense. Please describe the provisions in the laws of Guyana 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Guyana 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.

JORDAN

A. GENERAL

1. With respect to each form of intellectual property covered by Part II of the TRIPS Agreement, including plant variety protection, please explain the manner in which the laws of Jordan ensure that nationals of other WTO Members receive national treatment and most-favored-nation treatment as required by Articles 3 and 4 of the TRIPS Agreement. Please cite to the relevant provisions of law.

B. COPYRIGHT AND RELATED RIGHTS

2. Please explain how the copyright law of Jordan 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 Jordan.

4. Please state the length and terms of protection the copyright law of Jordan 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 Jordan 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 Jordan implements these obligations and indicate the term of protection.

7. Please explain how Article 9 of the Jordanian Copyright Law, which gives the author the "right to exploit his work for financial gain in whatever manner he chooses," is consistent with Article 9.1 of the TRIPS Agreement, since TRIPS requires that the exclusive rights be granted to an author regardless of whether the exploitation is financial or not. Please explain whether this provision would result in an author being unable to authorize or prohibit the production of his or her work in a case where a third party reproduces the work other than for financial gain.

C. TRADEMARKS

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

D. GEOGRAPHICAL INDICATIONS

9. Please describe in detail how the laws of Jordan 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. PATENTS

11. Articles 36(C)–(E) of Jordan's patent law of 1999 appear to allow Jordan a delay of up to three years to provide patent protection for chemicals related to medications, or pharmaceutical or food products. In paragraph 230 of the Report of the Working Party on the Accession of the Hashemite Kingdom of Jordan to the World Trade Organization, WT/ACC/JOR/33, Jordan stated that it would apply fully all the provisions of the TRIPS Agreement from the date of accession to the WTO, without recourse to any transitional period. Please confirm that there is no transition to full protection for the subject matter referred to in Article 36(A), citing any relevant laws and regulations.

If this cannot be confirmed, please describe in detail how Articles 36(C)-(E) conform to the requirement for patent protection under Articles 70.8 and 70.9 of the TRIPS Agreement.

12. Articles 22-26 of Jordan's patent law address compulsory licensing. Purposes for compulsory licensing, which are provided in Article 22, include national security, emergency situations and public non-commercial benefit. These articles do not address or provide purposes for dependent compulsory licenses. Moreover, Article 31 of the TRIPS Agreement imposes additional conditions. Please confirm that Jordan does not intend to grant dependent compulsory licenses. Please also explain in detail how the compulsory licensing provisions of Articles 22-26 contain all of the conditions and safeguards enumerated in Article 31 of the TRIPS Agreement.

13. Please confirm that importation constitutes working under the Jordanian patent law as required by Article 27.1 of the TRIPS Agreement, cite any relevant laws and regulations, and explain in detail how they apply.

14. Please explain in detail how the exclusions for "scientific theories and discoveries" in Article 4 are consistent with the full scope of patentability that is required under Article 27 of the TRIPS Agreement.

15. Article 4(B) contains an exclusion for "mathematical methods". Jordan previously explained that this applies to only purely mathematical subject matter. Furthermore, there is no exclusion for "computer related inventions". Please confirm that the exclusion for "mathematical methods" refers only to purely mathematical subject matter and not to "business methods" or "computer-related inventions."

16. Article 4(F) contains a patentability exclusion for inventions filed more than 18 months before filing in Jordan, which appears to have no precedent in the laws of other countries, any international standard or emerging trend. This provision may have an adverse effect on the decision making process to pursue patent protection throughout the world. Jordan previously explained that this provision was included to encourage patent applicants to timely file patent applications in Jordan and would operate in conjunction with the novelty requirement. Jordan also indicated a willingness to reconsider this issue. Please explain in detail Jordan's current position on this issue and identify any regulations, guidelines or other materials that may help to clarify this provision. Please also explain how this provision is consistent with the right of priority under the Paris Convention, particularly where a chain of priority is claimed in which the original patent application was filed more than 18 months prior to the last patent application.

17. The patent law excludes plant varieties from patent protection. In paragraph 220 of the Report of the Working Party on the Accession of the Hashemite Kingdom of Jordan to the World Trade Organization, WT/ACC/JOR/33, Jordan stated that it had no existing legislation covering the subject of plant variety protection, but that a draft New Plants Variety Law was referred to the Legislative Bureau at the Council of Ministers in November 1999. Please cite any relevant laws and regulations regarding plant variety protection in Jordan and explain in detail how the Jordanian laws and regulations are consistent with Article 27 of the TRIPS Agreement.

18. On the issue of marketing approval, Article 21(C) of the patent law appears to permit third parties to submit applications for marketing approval for pharmaceutical and agricultural chemical products prior to the expiration of a patent. During previous discussions, Jordan explained that the operation of this provision would be coordinated with the MOH and the MOA to ensure that no approvals would be granted until patent expiry. Please describe the Jordanian marketing approval process in detail, identifying any relevant regulations, and explain how it ensures protection against unfair commercial use of data as required by Article 39.3 of the TRIPS Agreement.

F. ENFORCEMENT

19. Please briefly describe how the Government of Jordan meets the requirements of Article 41 of the TRIPS Agreement, including Articles 41.1, 41.2, 4.3, and 41.4, and identify any relevant Jordanian laws and regulations.
20. Please describe the mechanisms for identifying and protecting confidential information in civil judicial and administrative IP cases, as required under Article 43.1 of the TRIPS Agreement and identify any relevant Jordanian laws and regulations.
21. Please explain the authority of Jordanian judges and administrative officials to issue injunctions (or equivalent measures) to order a party to desist from an infringement and to prevent infringing goods from entering the channels of commerce, as required by Article 44.1 of the TRIPS Agreement. Please describe, in detail, the procedures for issuing such injunctions.
22. Do judicial and administrative officials in Jordan have the authority to order infringers to provide right holders with information on third parties involved in the production and distribution of infringing goods or services and their channels of distribution? Under what circumstances is this authority exercised?
23. Please explain whether public authorities and officials are exempt from the liability for abuse of enforcement procedures and describe the circumstances in which such limitations do not apply, as well as any relevant Jordanian laws and regulations.
24. Please explain whether the Customs Laws of Jordan, and any amendments to these laws, contains provisions that provide for the prohibition of importation of goods contradicting the provisions of intellectual property laws.
25. Please describe the procedures for protecting intellectual property at the border, as require by Article 52 of the TRIPS Agreement (e.g., application, required information, process and time-frame for notifying applicant of acceptance, effective period for border enforcement action). Please identify any relevant Jordanian laws and regulations.
26. Please explain what constitutes *prima facie* infringement in Jordan for purposes Article 52 of the TRIPS Agreement.
27. Please identify what forms of intellectual property, if any are subject to provisions, Article 53.2 of the TRIPS Agreement.
28. What procedures exist for notifying applicants of the suspension of release?
29. Please explain the procedures for allowing right holders an opportunity to inspect suspect goods that have been detained by customs authorities, as required by Article 57 of the TRIPS Agreement. Please identify any relevant Jordanian laws or regulations.
30. Please explain whether the competent authorities in Jordan are empowered to act *ex officio* and, if so, the enforcement action that may be taken.
31. Please describe the remedies that are available to right holders in Jordan for infringing goods (i.e. destruction, disposal or both).

32. Please identify whether *de minimis* imports are excluded from the border measures under the laws of Jordan, as permitted under Article 60 of the TRIPS Agreement, and explain what constitutes a *de minimis* import in Jordan. Please identify any relevant Jordanian laws and regulations.
33. Please explain how the criminal fines provided for in the Jordan Copyright and Trademark laws, which provide for a maximum of 3000 Jordanian Dinars (approximately US \$4,255) are compatible with Article 61 of the TRIPS Agreement which requires remedies that are "sufficient to provide a deterrent".
34. Please explain how the Jordanian Copyright Law, which fails to criminalize certain willful acts of commercial piracy, namely, the intentional unauthorized use or copying of computer programs in a business setting, is compliant with Article 61 of the TRIPS Agreement.
35. Please describe whether seizure, forfeiture and destruction of infringing goods and any materials and implements are available as remedies in willful trademark or copyright piracy cases.
36. Please state whether decisions on the merit in court proceedings in Jordan are provided in writing and if those written opinions are available to the public so that people can become familiar with the law.
37. Please describe any new initiatives that are planned to improve enforcement of intellectual property rights in Jordan, particularly initiatives related to criminal enforcement.
38. Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated circuit layout-design and trade secret enforcement for each of the year 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.
39. Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for each of the year 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 the criminal system operated effectively to deter copyright piracy and trademark counterfeiting.
40. Please list and describe the functions of those government entities within the government of Jordan that have intellectual property enforcement authority.
41. Please provide us with a copy of any Jordanian laws that relate to the enforcement of intellectual property rights.

NAMIBIA

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 national 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 Namibia 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 Namibia 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 Namibia.

5. Please state the length and terms of protection the copyright law of Namibia 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 Namibia 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 Namibia 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 Namibia.

9. Please describe the procedure that must be followed to register a trademark in Namibia, 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 that the trademark law of Namibia provides for a trademark.

11. Please explain whether the Namibian law protects well-known marks and identify all relevant laws and regulations.

12. Please explain whether the Namibian law protects pre-existing trademarks against usurpation by geographical indications, as required by Article 24 of the TRIPS Agreement.

D. GEOGRAPHICAL INDICATIONS

13. Please describe in detail how the laws of Namibia 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 Namibia, 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 Namibia 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 Namibia and cite to the relevant provisions of law.

19. Please describe in detail any provisions in the laws of Namibia 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 Namibia 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 Namibia, including the term of protection, and cite to the relevant provisions of law.

H. UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Namibia 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 Namibia 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

25. Please describe in detail the manner in which the laws of Namibia 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 Namibia provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Namibia, 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 Namibia, 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. ENFORCEMENT – SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

29. Please describe in detail the procedures under the laws of Namibia 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 Namibia are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

32. Please describe in detail how the laws of Namibia 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 willful 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 offense. Please describe the provisions in the laws of Namibia 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Namibia that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

K. 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.

PAPUA NEW GUINEA

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 Papua New Guinea 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 Papua New Guinea 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 Papua New Guinea.

5. Please state the length and terms of protection the copyright law of Papua New Guinea 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 Papua New Guinea 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 Papua New Guinea 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 Papua New Guinea.

9. Please describe the procedure that must be followed to register a trademark in Papua New Guinea, 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 that the trademark law of Papua New Guinea provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

11. Please describe in detail how the laws of Papua New Guinea 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 industrial designs, citing to the provisions of the law of Papua New Guinea, and describe the nature of the protection provided.

14. 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

15. Please describe in detail the way in which the patent law of Papua New Guinea 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.

16. Please describe in detail the rights provided patent holders under the patent law of Papua New Guinea and cite to the relevant provisions of law.

17. Please describe in detail any provisions in the laws of Papua New Guinea 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.

18. What term of protection does the patent law of Papua New Guinea 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

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

H. UNDISCLOSED INFORMATION

20. Please describe in detail how the laws of Papua New Guinea 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.

21. 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 Papua New Guinea 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

23. Please describe in detail the manner in which the laws of Papua New Guinea 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 Papua New Guinea provide this authorization, citing to the relevant provisions of law or regulation.

25. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Papua New Guinea, 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 Papua New Guinea, 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. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Papua New Guinea 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 Papua New Guinea are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Papua New Guinea 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 willful 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 offense. Please describe the provisions in the laws of Papua New Guinea 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Papua New Guinea 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.

SAINT LUCIA

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 national 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 Saint Lucia 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 Saint Lucia.

4. Please state the length and terms of protection the copyright law of Saint Lucia 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 Saint Lucia 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 Saint Lucia 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 Saint Lucia.

8. Please describe the procedure that must be followed to register a trademark in Saint Lucia, 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 that the trademark law of Saint Lucia provides for a trademark.

10. Please explain whether the laws of Saint Lucia protect pre-existing trademarks against usurpation by geographical indications, as required by Article 24 of the TRIPS Agreement.

11. Please describe in detail how the laws of Saint Lucia 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.

D. INDUSTRIAL DESIGNS

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

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

E. PATENTS

15. Please describe in detail the way in which the patent law of Saint Lucia 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.

16. Please describe in detail the rights provided patent holders under the patent law of Saint Lucia and cite to the relevant provisions of law.

17. Please describe in detail any provisions in the laws of Saint Lucia 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.

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

F. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

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

20. Please describe in detail how the laws of Saint Lucia 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.

21. 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 Saint Lucia 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.

G. ENFORCEMENT – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

23. Please describe in detail the manner in which the laws of Saint Lucia 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 Saint Lucia provide this authorization, citing to the relevant provisions of law or regulation.

25. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Saint Lucia, 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 Saint Lucia, 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.

H. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Saint Lucia 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 Saint Lucia are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

I. ENFORCEMENT - CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Saint Lucia 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 willful 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 offense. Please describe the provisions in the laws of Saint Lucia 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Saint Lucia that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.

J. 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.

SURINAME

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 Suriname 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 Suriname 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 Suriname.

5. Please state the length and terms of protection the copyright law of Suriname 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 Suriname 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 Suriname 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 Suriname.

9. Please describe the procedure that must be followed to register a trademark in Suriname, 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 that the trademark law of Suriname provides for a trademark.

D. GEOGRAPHICAL INDICATIONS

11. Please describe in detail how the laws of Suriname 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 industrial designs, citing to the provisions of the law of Suriname, and describe the nature of the protection provided.

14. 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

15. Please describe in detail the way in which the patent law of Suriname 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.

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

17. Please describe in detail any provisions in the laws of Suriname 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.

18. What term of protection does the patent law of Suriname 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

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

H. UNDISCLOSED INFORMATION

20. Please describe in detail how the laws of Suriname 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.

21. 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 Suriname 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

23. Please describe in detail the manner in which the laws of Suriname 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 Suriname provide this authorization, citing to the relevant provisions of law or regulation.

25. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Suriname, 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 Suriname, 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. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. Please describe in detail the procedures under the laws of Suriname 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 Suriname are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

30. Please describe in detail how the laws of Suriname 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 willful 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 offense. Please describe the provisions in the laws of Suriname 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Suriname 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.

VENEZUELA

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 national 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 Venezuela 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 Venezuela 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 Venezuela.

5. Please state the length and terms of protection the copyright law of Venezuela 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 Venezuela 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 Venezuela 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 Venezuela.

9. Please describe the procedure that must be followed to register a trademark in Venezuela, 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 that the trademark law of Venezuela provides for a trademark.

11. Please explain how the Venezuelan law provides for the protection of well-known marks for dissimilar products, as required by Article 16.3 of the TRIPS Agreement. Please cite to the relevant provisions of the laws and regulations.

12. Please explain whether Venezuelan law permits the registration of generic terms, which are in the English or Spanish language, citing any relevant laws or regulations.

D. GEOGRAPHICAL INDICATIONS

13. Please describe in detail how the laws of Venezuela 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 Venezuela, 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 Venezuela 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 Venezuela and cite to the relevant provisions of law.

19. Please describe in detail any provisions in the laws of Venezuela 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 Venezuela 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 Venezuela, including the term of protection, and cite to the relevant provisions of law.

H. UNDISCLOSED INFORMATION

22. Please describe in detail how the laws of Venezuela 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 Venezuela 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 – GENERAL OBLIGATIONS, CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES AND PROVISIONAL MEASURES

25. Please describe in detail the manner in which the laws of Venezuela 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 Venezuela provide this authorization, citing to the relevant provisions of law or regulation.

27. Please describe in detail the all of the civil remedies that are available to right holders under the laws of Venezuela, 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 Venezuela, 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 civil remedies afforded under the laws of Venezuela are being applied in practice at levels "adequate to compensate for the injury the right holder has suffered" as required under Article 45.1 of the TRIPS Agreement.

J. ENFORCEMENT - SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

30. Please describe in detail the procedures under the laws of Venezuela 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 Venezuela are empowered to act *ex officio* and, if so, please identify the intellectual property areas subject to *ex officio* action.

K. ENFORCEMENT - CRIMINAL PROCEDURES

33. Please describe in detail how the laws of Venezuela 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 willful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation and identify any pending legislation or regulation that may affect issues related to criminal penalties and other procedures related to the investigation and prosecution of trademark and copyright infringement cases.

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 offense. Please describe the provisions in the laws of Venezuela 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 willful infringement of other forms of intellectual property. Please describe any provisions of the laws of Venezuela 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.
