

CHAPTER 12

INTELLECTUAL PROPERTY

Article 159 Definitions

For the purposes of this Chapter:

intellectual property rights refers to copyright and related rights, rights in trade marks, geographical indications, industrial designs, patents, layout designs of integrated circuits, and rights in plant varieties as defined in the TRIPS Agreement.

Article 160 Intellectual Property Principles

1. The Parties recognise the importance of intellectual property rights in promoting economic and social development, particularly in the new digital economy, technological innovation and trade.
2. The Parties recognise the need to achieve a balance between the rights of right holders and the legitimate interests of users and the community with regard to protected subject matter.

Article 161 General Provisions

1. Each Party shall establish and maintain transparent intellectual property rights regimes and systems that:
 - (a) provide certainty over the protection and enforcement of intellectual property rights;
 - (b) minimise compliance costs for business; and
 - (c) facilitate international trade through the dissemination of ideas, technology and creative works.
2. Each Party reaffirms its commitment to the TRIPS Agreement and any other multilateral agreement relating to intellectual property to which both are party.
3. For the purposes of this Chapter, the TRIPS Agreement is incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 162 Contact Points

Each Party shall designate a contact point or points to facilitate communications between the Parties on any matter covered by this Chapter, and provide details of such contact points to the other Party. The Parties shall notify each other promptly of any amendments to the details of their contact points.

Article 163 Notification and Exchange of Information

1. Each Party shall:
 - (a) notify the other Party of any new laws that enter into effect in relation to intellectual property;
 - (b) exchange information relating to developments in intellectual property policy in their respective administrations including on appropriate initiatives to promote awareness of intellectual property rights and systems;
 - (c) inform the other Party of changes to, and developments in, the implementation of intellectual property systems, aimed at promoting effective and efficient registration or grant of intellectual property rights; and
 - (d) exchange information regarding enhancement of intellectual property rights enforcement and related initiatives in multilateral and regional fora.
2. Any information or notification provided under this Article shall be conveyed through the contact points referred to in Article 162.

Article 164 Cooperation and Capacity Building

1. The Parties agree to cooperate with a view to increasing capacity in the development of intellectual property policy and eliminating trade in goods infringing intellectual property rights, subject to their respective laws, rules, regulations, directives and policies.
2. Each Party shall:
 - (a) encourage and facilitate the development of contacts and cooperation between their respective government agencies, educational institutions and other organizations with an interest in the field of intellectual property rights;

- (b) work to build upon and strengthen the cooperative ties between the State Intellectual Property Office (“SIPO”) and other relevant institutions of China and the Intellectual Property Office of New Zealand (“IPONZ”);
- (c) on mutually acceptable terms and subject to available funds, cooperate on:
 - (i) appropriate initiatives to promote awareness of intellectual property rights and systems;
 - (ii) educational and information dissemination projects on the use of intellectual property as a research and innovation tool; and
 - (iii) training and specialization courses for public servants on intellectual property rights.

Article 165 Genetic Resources, Traditional Knowledge and Folklore

Subject to each Party’s international obligations, the Parties may establish appropriate measures to protect genetic resources, traditional knowledge and folklore.

Article 166 Consultation

1. A Party may at any time request consultations with the other Party, with a view to seeking a timely and mutually satisfactory resolution of any intellectual property issue within the scope of this Chapter.
2. Such consultation shall be conducted through the Parties’ designated contact points, and shall commence within 60 days of the receipt of the request for consultation, unless the Parties mutually determine otherwise. Each Party shall ensure its contact point is able to coordinate and facilitate a response on the issue under consideration.
3. Only in the case that such consultation fails to resolve any such issue, can a Party take actions pursuant to Chapter 16 (Dispute Settlement).
4. Notwithstanding paragraph 3, after the commencement of such consultation, if a Party considers that the consultation fails to resolve the issue, it may take actions pursuant to Chapter 16 (Dispute Settlement) after notifying the other Party of such a decision.
5. Notwithstanding paragraph 1, a Party may deny the request for consultations by the other Party under this Article or the continuance of those

consultations with the other Party on any issue, with respect to which, the other Party has taken actions pursuant to Chapter 16 (Dispute Settlement) or the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes*.