

## **CHAPTER 17**

### **INTELLECTUAL PROPERTY RIGHTS**

#### **ARTICLE 17.1 : DEFINITION**

For the purposes of this Chapter:

**intellectual property rights** refer to copyright and related rights, trademarks, geographical indications, industrial designs, patents, layout-designs (topographies) of integrated circuits and rights in undisclosed information;

**TRIPS Agreement** means the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights;

**PCT** means the Patent Cooperation Treaty administered by the World Intellectual Property Organization;

**ISA** and **IPEA** means the International Searching Authority and the International Preliminary Examining Authority, respectively, under the PCT;

**IPOS** means the Intellectual Property Office of Singapore; and

**KIPO** means the Korean Intellectual Property Office.

#### **ARTICLE 17.2 : GENERAL OBLIGATIONS**

Each Party re-affirms its obligations under the TRIPS Agreement, and, in accordance with the TRIPS Agreement, shall provide adequate and effective protection of intellectual property rights to the nationals of the other Party in its territory.

#### **ARTICLE 17.3 : ENFORCEMENT**

The Parties shall, consistent with the TRIPS Agreement, provide for the

enforcement of intellectual property rights in their respective laws.

#### **ARTICLE 17.4 : MORE EXTENSIVE PROTECTION**

Each Party may implement in its domestic laws more extensive protection of intellectual property rights than is required under this Agreement, provided that such protection is not inconsistent with this Agreement and the TRIPS Agreement.

#### **ARTICLE 17.5 : CO-OPERATION IN THE FIELD OF INTELLECTUAL PROPERTY**

1. The Parties, recognising the growing importance of intellectual property rights as a factor of social, economic and cultural development, shall enhance their co-operation in the field of intellectual property.
2. The Parties, pursuant to paragraph 1, may co-operate in the following areas:
  - (a) international search and international preliminary examination under PCT and facilitation of international patenting process;
  - (b) promotion of mutual understanding of the other Party's intellectual property policies, activities, and experiences thereof;
  - (c) promotion of education and awareness of intellectual property;
  - (d) patent technology, licensing, and market intelligence; and
  - (e) plant variety protection including exchange of technical expertise and knowledge.

#### **ARTICLE 17.6 : DESIGNATION OF KIPO AS AN ISA AND IPEA UNDER PCT**

1. Singapore shall designate KIPO as an ISA and IPEA under the PCT for international applications received by IPOS insofar as these applications are submitted in the English language.
2. Within three (3) months from the date of the signature of this Agreement, KIPO and IPOS shall conclude a Working Agreement for the detailed procedures in relation to the designation of KIPO as an ISA and IPEA as mentioned in paragraph 1.

#### **ARTICLE 17.7 : FACILITATION OF PATENTING PROCESS**

Singapore shall designate KIPO as a prescribed patent office in accordance with the Patents Act (Cap. 221) of Singapore and the regulations made thereunder for the purpose of facilitating the patent process of a patent application filed in Singapore that corresponds to a patent application filed in Korea, where the applicant for that patent application filed in Singapore provides IPOS with the necessary information, documents and translation on that corresponding application filed in Korea, as required by the Patents Act and the regulations thereunder.

#### **ARTICLE 17.8 : PROMOTION OF EDUCATION AND AWARENESS OF INTELLECTUAL PROPERTY**

The Parties may jointly undertake education, workshops, and fairs in the field of intellectual property for the purposes of contributing to a better understanding of each other's intellectual property policies and experiences.

#### **ARTICLE 17.9 : JOINT COMMITTEE ON INTELLECTUAL PROPERTY**

1. For the purpose of effective implementation of this Chapter, a Joint Committee on Intellectual Property (“the IP Joint Committee”) shall be established. The functions of the IP Joint Committee may include:

- (a) overseeing and reviewing the Parties' co-operation under this Chapter;
- (b) providing advice with regard to the Parties' co-operation under this Chapter;
- (c) considering and recommending new areas of co-operation on matters covered by this Chapter; and
- (d) discussing other issues related to intellectual property.

2. The IP Joint Committee shall be co-chaired by senior officials from both KIPO and IPOS. The composition of the IP Joint Committee shall be decided in consultation with the co-chairs, subject to mutual agreement between the Parties. The IP Joint Committee may meet at the same time as when the Parties meet for the review under Article 22.1.