

CHAPTER TWELVE
INTELLECTUAL PROPERTY RIGHTS

ARTICLE 12.1: DEFINITIONS

For the purposes of this Chapter:

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

CGPDTM means the Office of the Controller General of Patents, Designs and Trademarks of the Republic of India; and

KIPO means the Korean Intellectual Property Office of the Republic of Korea.

ARTICLE 12.2: GENERAL OBLIGATIONS

Each Party reaffirms its rights and obligations under the TRIPS Agreement, and, in accordance with that Agreement, shall provide adequate and effective protection to intellectual property rights of the nationals (natural or juridical persons) of the other Party in its territory.

ARTICLE 12.3: MORE EXTENSIVE PROTECTION

Each Party may provide in its laws more extensive protection of intellectual property rights than is accorded under the TRIPS Agreement, provided that it is not inconsistent with this Agreement.

ARTICLE 12.4: ENFORCEMENT

The Parties shall provide in their respective laws for the enforcement of intellectual property rights consistent with the TRIPS Agreement.

ARTICLE 12.5: COOPERATION 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 endeavour to enhance their cooperation in the field of intellectual property.

2. The Parties, in particular, may cooperate in the following areas:

- (a) education, workshops, fairs, etc., in the field of intellectual property for the purposes of contributing to a better understanding of each other's intellectual property policies and experiences;
- (b) international search and international preliminary examination under PCT, and facilitation of international patenting process;
- (c) joint prior art search, including exchanging prior art search result, comparing search result, and reviewing differences of search result;
- (d) licencing of intellectual property, and market intelligence for intellectual property protection;
- (e) plant variety protection;

(f) personnel interchange, including examiners; and

(g) information systems on intellectual property.

3. The Parties may promote cooperation on intellectual property between the KIPO of Korea on one side and the CGPDTM of India, on the other, through separate arrangements as mutually agreed.

ARTICLE 12.6: NON-APPLICATION OF DISPUTE SETTLEMENT PROVISIONS

Chapter Fourteen (Dispute Settlement) shall not apply to any matter or dispute arising under this Chapter.