

Intellectual Property: Patent Linkage

Letter from the Honourable François-Philippe Champagne

8 March 2018

The Honourable François-Philippe Champagne
Minister of International Trade
Canada

Dear Minister,

I have the honour to confirm the following understanding reached by the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of Canada with regard to Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Agreement) signed on this day:

Canada will refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the Agreement with regard to the obligations of Viet Nam under Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Agreement for a period of five years after the fifth anniversary of the date of entry into force of the Agreement for Viet Nam.

I have the further honour to propose that this letter and your letter in reply, equally valid in English and French, will constitute an understanding between our two Governments, which will enter into effect on the date of entry into force of the Agreement for Viet Nam and Canada.

Yours sincerely,

Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Response from His Excellency Tran Tuan Anh

8 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Excellency,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

“I have the honour to confirm the following understanding reached by the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of Canada with regard to Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Agreement) signed on this day:

Canada will refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the Agreement with regard to the obligations of Viet Nam under Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Agreement for a period of five years after the fifth anniversary of the date of entry into force of the Agreement for Viet Nam.

I have the further honour to propose that this letter and your letter in reply, equally valid in English and French, will constitute an understanding between our two Governments, which will enter into effect on the date of entry into force of the Agreement for Viet Nam and Canada.”

I have the further honour to confirm that the above reflects the understanding reached between the Government of Canada (Canada) and the Government of the Socialist Republic of Viet Nam (Viet Nam) during the course of negotiations on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Agreement), and that your letter and this letter in reply, equally valid in English and French, will constitute an understanding between the Canada and the Viet Nam, which will enter into effect on the date of entry into force of the Agreement as between Canada and Viet Nam.

Yours sincerely,

The Honourable François-Philippe Champagne
Minister of International Trade