

**THE AGREEMENT OF COOPERATION ON
INTELLECTUAL PROPERTY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF ITALY
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA**

The Government of the Republic of Italy and the Government of the People's Republic of China, (hereinafter referred to as the Contracting Parties),

Recognizing the particular importance of the equal and effective protection of intellectual property for the development of the mutually beneficial cooperation in the sphere of economy, trade, science, technology and culture between the two states,

Desiring to create favorable conditions for such cooperation in the principle of equality and mutual benefit,

In accordance with the national laws and the binding regional legislation in the field of intellectual property, as well as with the international agreements to which both contracting states are parties,

Have agreed as follows:

Article 1

For the purpose of this Agreement:

The expression "intellectual property" is treated in the meaning indicated in Article 2 of the Convention Establishing the World Intellectual Property Organization, done in Stockholm on July 14, 1967;

The expression "industrial property" is treated in the meaning indicated in Article 1 of the Paris Convention for the Protection of Industrial Property, done on March 20, 1883, revised at Stockholm on July 14, 1967.

The expression "copyright" is treated in the meaning indicated in Article 2 of the Berne Convention for the Protection of Literary and Artistic Works, done on September 9, 1886, revised in Paris on July 24, 1971.

Article 2

The cooperation of the Contracting Parties in the sphere of intellectual property protection shall cover:

1. Coordination of the issues related to intellectual property protection during implementation of the cooperation in the sphere of economy, trade, science, technology and culture as well as the assistance in the conclusion of the agreements on cooperation in the sphere of intellectual property protection between the corresponding bodies and organizations of both states;

2. Exchange of information on the legislation in the sphere of intellectual property protection;

3. Exchange of industrial property information as well as the experience in its handling and use;

4. Exchange of the experience in examination of industrial property subject matters and discussion of possibilities of coordination of the examination procedures and standards;

5. Exchange of the experience in organization and operation of collective copyright management;

6. Training of the personnel involved in the sphere of intellectual property protection and exchange of the experience in this area;

) 7. Exchange of views on major issues related to the development of the international intellectual property system; Exchange of the experience in international cooperation as well as of the information on participation of each country in the multilateral international treaties in the sphere of intellectual property protection and implementation of these treaties; Exchange of information and cooperation in facing infringement of intellectual property rights.

8. Other aspects of cooperation agreed by the Contracting Parties.

Article 3

1. The Contracting Parties shall provide effective protection, in accordance with their respective legislation, to the intellectual property rights created or

obtained by natural and legal persons or other organizations of the Contracting Parties in the framework of bilateral agreements of the Contracting Parties;

2. Natural and legal persons or other organizations of the state of one Party have on the territory of the state of the other Party the same rights in the sphere of the protection of intellectual property ensured by this state correspondingly to natural and legal persons or other organizations in accordance with the legislation and practice of this state;

3. In respect of the issues not regulated by this Agreement the Contracting Parties shall apply the provisions of the international treaties and agreements in the sphere of the protection of intellectual property to which the Contracting Parties are the Member States.

Article 4

The provisions on intellectual property protection contained in the agreements of cooperation in the sphere of economy, trade, science, technology and other spheres that are concluded between the competent bodies of the Contracting Parties shall be consistent with this Agreement.

Article 5

The intellectual property rights created or obtained as a result of the joint activity of natural and legal persons or other organizations of the states of the Contracting Parties are divided on mutually agreed terms fixed in the contracts and agreements.

Article 6

If a bilateral cooperation envisages the providing of confidential information and/or the creation or use of intellectual property objects in respect of which the confidentiality should be kept, the corresponding contracts shall contain the provisions on confidentiality preservation. In these cases the corresponding organizations of the Contracting Parties shall undertake the commitments to confidentiality preservation in accordance with the provisions of the respective legislation of the states of the Contracting Parties as well as the agreed points fixed in the contracts and agreements.

“Confidential information” in the above paragraph refers to the information related to the subject of the Agreement and which,

is not known for an indefinite circle of persons and is not readily accessible from the other sources;

contains commercial value and is kept confidential by its owner.

Article 7

Disputes on application of the provisions of this Agreement shall be settled by consultations and negotiations between the Contracting Parties.

Article 8

This Agreement shall not prevent the Contracting Parties from participation in a bilateral and multilateral cooperation with other states in the sphere of intellectual property.

Article 9

1. The competent bodies responsible for the implementation of this Agreement from the Italian part should be the Ministry of Foreign Affairs of the Republic of Italy, the Ministry of Productive Activities of the Republic of Italy, and the Ministry of Cultural Activities of the Republic of Italy; from the Chinese part should be the State Intellectual Property Office of the People's Republic of China, the Trademark Office under the State Administration for Industry and Commerce of the People's Republic of China, as well as the National Copyright Administration of the People's Republic of China.

2. In case of addressing of one of the Contracting Parties, the competent authorities of the Republic of Italy on one side and the State Intellectual Property Office of the People's Republic of China on the other side shall coordinate the organization of consultations on issues which may arise during implementation of this Agreement.

Article 10

1. This Agreement shall enter into force upon the date of reception of the latter of the two notifications by which the Parties shall inform each other that the legal requirements under domestic law for the entry into force have been fulfilled and shall be valid for a period of five years.

It shall be automatically extended for successive periods of five years, unless one of the Contracting Parties announces in written through diplomatic channels six months before the date of expiration its intention to terminate the Agreement.

2. Amendments and additions to this Agreement may be entered by mutual consent of the Contracting Parties and shall be fixed in written forms which constitute an inseparable part of this Agreement. Such amendments shall enter into force following the procedures indicated in the first paragraph of this Article.

3. Any of the Contracting Parties is entitled to terminate this Agreement at any time but has to notify in written the other Party its intention of termination not less than thirty days prior to its termination.

4. The termination of this Agreement shall not affect the implementation of unfulfilled commitments undertaken under this Agreement with the exception of the cases additionally discussed by the Contracting Parties.

In witness whereof, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Done in Beijing, on June 8 of 2004 in two originals, both in the Italian, Chinese and English languages, all texts being equally authentic.

In case of discrepancy in the interpretation of the provisions of this Agreement, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF ITALY

FOR THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA



