

# **MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTRY OF ECONOMIC AFFAIRS IN TAIPEI AND THE MINISTRY OF ECONOMICS IN SANTIAGO**

Signed on April 25, 2002  
Entered into force on April 26, 2002

## **Preamble**

In order to increase the common relations and experience, developed in the framework of the Intellectual Property Rights Expert Group (IPEG) of the Asia-Pacific Economic Cooperation(APEC), the Ministry of Economic Affairs in Taipei and the Ministry of Economics in Santiago (hereafter “the Parties”),

## **HAVE CONSIDERED,**

The convenience to establish a permanent dialogue between the Intellectual Property Office of the Ministry of Economic Affairs in Taipei and the Industrial Property Department of the Ministry of Economics in Santiago;

The convenience of joining efforts in order to achieve more effectiveness in the protection of trademarks and patents (invention, utility model, and new design), to benefit users and consumers;

The conviction of the establishment of relations between the Parties, the exchange of information and cooperation in the promotion, dissemination and protection of industrial property in general, and trademarks and patents in particular, in Santiago, and Taipei;

That the Parties have human, technical and material means to achieve their aims and fulfill duties already set in this Memorandum, as well as the capacity to carry them out;

Both Parties AGREE as follows:

## **Article 1**

### **Aims and Reach**

- (1) To cooperate as regards practice, promotion and diffusion of the system of trademarks and patents.
- (2) To establish a fluent exchange of information as regards modernization, management, harmonization and development of laws on trademarks and patents, particularly effective legislation, normative projects and jurisprudence.
- (3) This memorandum is understood to be extensive to all topics of trademarks and patents that are governed by each Party imperative of its respective legislation.

## **Article 2**

### **Meetings**

Aiming at an exchange of current information on industrial property rights (trademarks and patents), the Parties will try to celebrate periodic meetings, alternating in Santiago and Taipei. Both Parties will agree on periodicity and dates.

## **Article 3**

### **Exchange of Publications**

Within this memorandum framework, the Parties will exchange their own publications. A list of publications will be agreed on by both parties.

## **Article 4**

### **Exchange of Information on Informatic Systems**

Each Party will submit information related to its informatic system. This information will consist mainly of technical aspects of the data processing system, prior automatic search and electronic tools supporting product classification, services and figurative elements.

#### Article 5

##### Practical Aspects of Prior Search and Examination

The Parties will exchange information on their practices in matters of examination and trademark registration; particularly, they will exchange points of view and experiences related to classification, prior search, examination and opposition procedures.

In the same way, they will exchange information regarding their examination practices, classification, state of the art searches, and registration of patents.

#### Article 6

##### Exchange of Experts

The cooperation agreed upon in this Memorandum includes sharing efforts to train technical experts and the organization of information meetings, conferences and seminars on trademark and patent systems in Taipei and Santiago. In addition, the Parties will share invitations to extension activities that are individually carried out, common to their mutual aims.

The Parties declare to be willing to carry out the exchange of experts and prior to that to improve practical training and programmes for internships.

#### Article 7

##### Training and Diffusion Activities

The Parties will join efforts to organize and perform activities and events aimed at promoting the trademark system and increasing awareness amongst potential users.

#### Article 8

##### Legal Aspects

The Parties will inform each other of all relevant legal issues, particularly concerning new normative, legal and practical developments.

#### Article 9

##### Memorandum Amendment

The Parties will periodically examine provisions of this Memorandum and, according to results, will proceed to amend them.

#### Article 10

##### Mailing

Every communication concerning the execution of this Memorandum will be in writing and quoting this Memorandum.

#### Article 11

##### Expenses

As a general principle, except for any specific agreement in contrary, each party will pay its own travel expenses and for officials and experts staying in the office or institution of the opposite party.

#### Article 12

##### Coming Into Force

This Memorandum will take effect the following day to its signature executed by both parties.

Signed in Taipei, and in Santiago, respectively, in duplicate, each in Chinese, Spanish, and English, all of them are exactly original versions. In case of any divergence in interpretation, the English version

shall govern.

On behalf of  
The Ministry of Economics  
In Santiago

On behalf of  
The Ministry of Economic Affairs  
In Taipei

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Alvaro Díaz Pérez  
Sub Secretary to  
The Ministry of Economics

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Steve Ruey-long Chen  
Vice Minister of  
The Ministry of Economic Affairs

Date : \_\_\_\_\_

Date : \_\_\_\_\_