

SUB-SECTION 5 - PATENTS

ARTICLE 17.46 - Exceptions

Each Party may provide limited exceptions to the exclusive rights conferred by a patent in accordance with Article 30 of the TRIPS Agreement, including exceptions permitting acts that would otherwise infringe a patent if such acts are done for experimental purposes relating to the subject matter of a patented invention, or for purposes connected with obtaining regulatory approval.

ARTICLE 17.47 - Extension of the period of protection conferred by a patent on medicinal products¹

1. The Parties recognise that medicinal products protected by a patent in the territory of a Party may be subject to an administrative authorisation procedure before being put on that Party's market.

2. Each Party shall provide for a further period of protection, in accordance with its laws and regulations, for a medicinal product which is protected by a patent and which has been subject to an administrative authorisation procedure referred to in paragraph 1, to compensate the holder of a patent for a reduction of effective patent protection. The terms and conditions for the provision of such further protection, including its length, shall be determined in accordance with the laws and regulations of a Party.

¹ For Australia, a reference in this Article to medicinal product means pharmaceutical substance as provided for in its relevant law.