

KOREA-AUSTRALIA

FREE TRADE AGREEMENT



Factsheet: Intellectual Property, Electronic Commerce and Competition Policy

The Korea-Australia Free Trade Agreement (KAFTA) includes Chapters on Intellectual Property, Electronic Commerce and Competition Policy that facilitate trade and investment by:

- providing appropriate protection and enforcement of intellectual property rights;
- including disciplines on anti-competitive practices; and
- promoting a secure and liberalised environment for the growth of electronic commerce.

Intellectual Property

The Intellectual Property Chapter reinforces commitments Australia and Korea have made under the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights. Korea and Australia have committed to accord national treatment in relation to the protection of intellectual property rights, with appropriate exceptions, and agree to specific commitments on patents, trademarks, copyright and related rights, and enforcement. The Chapter also establishes mechanisms to facilitate future cooperation between Australia and Korea on the protection of intellectual property, including in the area of geographical indications and common names.

Provisions on the enforcement of intellectual property rights clarify civil and administrative procedures and remedies to ensure judicial authorities have appropriate authority to deal efficiently and effectively with infringement cases. The Chapter also includes requirements related to border measures which ensure that authorities are able to deal with suspected infringing goods.

Electronic Commerce


The Electronic Commerce Chapter aids Australian business in harnessing the efficiencies of electronic commerce, while ensuring the protection of consumers engaging online. Key commitments include:

- **customs duties:** neither Australia nor Korea shall impose customs duties on electronic transmissions between the two countries;
- **online consumer protection:** Australia and Korea have undertaken to adopt or maintain measures to protect consumers engaged in electronic commerce, which are at least equivalent to those provided for consumers engaged in other forms of commerce;
- **online personal data protection:** Australia and Korea have undertaken to adopt or maintain measures which ensure the protection of the personal data of the users of electronic commerce; and
- **unsolicited commercial electronic messages:** Australia and Korea will endeavour to adopt or maintain measures to regulate unsolicited spam and telemarketing.

Competition Policy

The Competition Policy Chapter contains important commitments that ensure trade and investment liberalisation achieved in the Agreement is not undermined by anti-competitive practices.





Australia and Korea have committed to:

- address anti-competitive practices (including cartel behaviour, abuse of dominant position and anti-competitive mergers) by maintaining and enforcing competition laws in their respective jurisdictions;
- ensure that competition laws are applied to all businesses and to only permit exemptions where they are transparent and in the public interest; and
- ensure that the enforcement of their respective competition laws is consistent with the principles of transparency, timeliness, non-discrimination, comprehensiveness and procedural fairness.