

<b>1 ARTICLE 41 .....</b>	<b>1</b>
1.1 Text of Article 41 .....	1
1.2 General .....	1
1.3 Article 41.1 .....	2
1.4 Article 41.2 .....	2
1.5 Article 41.3 .....	3
1.6 Relationship between Article 41 and other provisions of the TRIPS Agreement and the Berne Convention .....	3

**1 ARTICLE 41**

**1.1 Text of Article 41**

1. Members shall ensure that enforcement procedures as specified in this Part are available under their law so as to permit effective action against any act of infringement of intellectual property rights covered by this Agreement, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements. These procedures shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.

2. Procedures concerning the enforcement of intellectual property rights shall be fair and equitable. They shall not be unnecessarily complicated or costly, or entail unreasonable time-limits or unwarranted delays.

3. Decisions on the merits of a case shall preferably be in writing and reasoned. They shall be made available at least to the parties to the proceeding without undue delay. Decisions on the merits of a case shall be based on the facts in respect of which

"These claims are made under the obligations with respect to enforcement procedures found in Part III of the TRIPS Agreement. The obligations in Part III are applicable to acts of infringement of geographical indications by virtue of the use of the term



