

1.1 Text of the Preamble..... 1  
1.2 General ..... 1

Members ,

Desiring to reduce distortions and impediments to international trade, and taking into account the need to promote effective and adequate protection of intellectual property rights, and to ensure that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade;

Recognizing , to this end, the need for new rules and disciplines concerning:

- (a) the applicability of the basic principles of GATT 1994 and of relevant international intellectual property agreements or conventions;
- (b) the provision of adequate standards and principles concerning the availability, scope and use of trade-related intellectual property rights;
- (c) the provision of effective and appropriate means for the enforcement of trade-related intellectual property rights, taking into account differences in national legal systems;
- (d) the provision of effective and expeditious procedures for the multilateral prevention and settlement of disputes between governments; and
- (e) transitional arrangements aiming at the fullest participation in the results of the negotiations;

Recognizing the need for a multilateral framework of principles, rules and disciplines dealing with international trade in counterfeit goods;

Recognizing that intellectual property rights are private rights;

Recognizing

"unjustifiably" encumber the use of a trademark in the course of trade within the meaning of Article 20, noted that:

"[T]he first recital of the preamble to the TRIPS Agreement expresses a key objective of the TRIPS Agreement, namely to 'reduce distortions and impediments to international trade' and takes into account the need, on one hand, 'to promote effective and adequate protection of intellectual property rights' and, on the other, 'to

"Article 1.3 provides that 'Members shall accord the treatment provided for in this Agreement to the nationals of other Members'. That includes the protection provided for in Article 22.2, which obliges Members to provide legal means for 'interested parties'. The interested parties must qualify as 'nationals of other Members' in accordance with the criteria referred to in Article 1.3. These persons can be private parties, which is reflected in the fourth recital of the preamble to the agreement, which reads '[r]ecognizing that intellectual property rights are private rights'."<sup>5</sup>

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Current as of: December 2023

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<sup>5</sup> Panel Report, EC – Trademarks and Geographical Indications (US), para. 7.742. See also Panel Reports, EC – Trademarks and Geographical Indications (US) para. 7.682 and (Australia ), para. 7.680.