

WORLD TRADE ORGANIZATION

RESTRICTED

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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NOTIFICATION UNDER ARTICLE 4(d) OF THE AGREEMENT

European Communities and their Member States

The following communication, dated 19 December 1995, was received from the Head of the Permanent Delegation of the European Commission and the Permanent Representative of Spain.

Article 4, paragraph (d) of the Agreement on Trade-Related Aspects of Intellectual Property Rights provides the following:

"With regard to the protection of intellectual property, any advantage, favour, privilege or immunity granted by a Member to the nationals of any other country shall be accorded immediately and unconditionally to the nationals of all other Members. Exempted from this obligation are any advantage, favour, privilege or immunity by a Member:

[...]

(d) deriving from international agreements related to the protection of intellectual property which entered into force prior to the entry into force of the WTO Agreement, provided that such agreements are notified to the Council for TRIPS and do not constitute an arbitrary or unjustifiable discrimination against nationals of other Members."

We hereby notify on behalf of the European Community and its Member States to the Council for Trade-Related Aspects of Intellectual Property Rights, pursuant to Article 4, paragraph (d) of the Agreement on Trade-Related Aspects of Intellectual Property Rights, both the Treaty establishing the European Community and the Agreement establishing the European Economic Area.¹ Notification of these agreements covers not only those provisions directly contained therein, as interpreted by the relevant jurisprudence, but also existing or future acts adopted by the Community as such and/or by the Member States which conform with these agreements following the process of regional integration.

¹The texts of these agreements are available in the WTO Secretariat for consultation by interested delegations.