

## **New Zealand signs 12-country free trade agreement**

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New Zealand recently signed the Association of Southeast Asian Nations (“ASEAN”) Australia-New Zealand Free Trade agreement Free Trade Agreement (“ASEAN AANZFTA”), a 12-country free trade agreement. It is the latest free trade agreement that New Zealand has entered into following the China-New Zealand agreement in October 2008.

The ASEAN region is New Zealand's third largest export market for merchandise goods - worth NZ\$4.6 billion in the year to June 2008. The ASEAN AANZFTA is therefore said to represent an important ‘building block’ in New Zealand’s growing East Asia trade and economic architecture.

The AANZFTA is said to facilitate trade of goods, services and investments between the respective economies through the progressive elimination of barriers and the reduction of transaction costs. By 2020, all New Zealand tariffs on ASEAN products will be phased to zero.

Chapter 13 of the agreement aims to develop co-operation and capacity building in intellectual property law in the ASEAN region over time. The AANZFTA aims to consistently protect intellectual property rights across the ASEAN signatories, and give investors and traders increased confidence in operating within the region.

Like the China free trade agreement, AANZFTA reaffirms the parties existing rights and obligations under the WTO Agreement on Trade Related-Aspects of Intellectual Property Rights (“TRIPS”). Each party is required to accord to nationals of other parties, treatment no less favourable than it accords to its own nationals with regards to the protection of intellectual property rights. AANZFTA also contains specific obligations on protection and enforcement of intellectual property rights, greater transparency of intellectual property laws and systems, an obligation on parties to endeavour to make available on internet databases all pending and registered trade mark rights in their respective jurisdictions and the establishment of a committee on intellectual property to monitor the implementation of the intellectual property provisions.

AANZFTA also provides for an Economic Cooperation Work Programme (“ECWP”). The ECWP covers eight areas including conformity assessment procedures for the protection of intellectual property rights, such as direct training for intellectual property examiners, intellectual property judges, patent attorneys, academia and the business community as well as study visits, policy discussions and seminars.

AANZFTA may enter into force in New Zealand as early as July 2009 and, in any event, no later than 1 January 2010.

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