

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/NPL/7

12 April 2000

(00-1470)

**Working Party on the
Accession of Nepal**

Original: English

ACCESSION OF THE KINGDOM OF NEPAL

Implementation of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

The following information on the Implementation of the WTO Agreement on TRIPS has been received from the Ministry of Commerce of the Kingdom of Nepal, with the request that it be circulated to Working Party members.

TRIPS Agreement	Nepal
General Obligations	IP Agreements to which the country adheres
Compliance with Articles 1 through 12 and Article 19 of the Paris Convention for the Protection of Industrial Property in respect of Parts II, III, and IV of the TRIPS Agreement. TRIPS Article 2.	Patent, Design and Trademark Act, 2022 (1965).
Under Paris, Article 1(2), industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.	Sections 2(a), 3(1), 2(b), 12(1), 2(c), 16(1) of Patent Design and Trademark Act, 2022 (1965) and Provision for the repression of unfair competition is to be covered.
In Paris. Article 1(3), industrial property applies not only to industry and commerce proper, but to agricultural and extractive industries and to all manufactured or natural products, e.g., wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers, and flour.	Sections 2(a), 2(b), 2(c), 3(1), 12(1), 16(1), of Patent Design and Trademark Act, 2022 (1965).
Under Paris, Article 2, nationals of Members are to enjoy in other Members the advantages that their respective laws grant to nationals, and shall have the same protection and the same legal remedy against any infringement of their rights if they conform to the conditions and formalities imposed upon the Member's nationals.	Sections 21.C, 3(2), 11, 12(2), 15, 16(2), 19 of the Patent, Design and Trademark Act, 2022 (1965). This act has no provision of discrimination between nationals and foreigners. The provision of double fee (schedule – 3) for registration and renewal under section 23 of Patent, Design and Trademark Act, 2022 (1965) is not a major differences and does not crate any obstacles. Nonetheless, this provision will be amended.
Paris. Article 3, requires that nationals of non-Member countries domiciles or that have "real and effective" industrial or commercial establishments in a Member country be treated as nationals of a Member country.	Once industrial property is registered, there is no provision of discrimination between foreigners and national.
Under Paris, Article 4.a right of priority is to be given an applicant for a patent, for registration of a utility model, an industrial design, or of a trademark who has filed the equivalent of a regular national filing under the domestic legislation of a Member country. The periods of priority are to be 12 months for patents and utility models, and 6 months for industrial designs and trademarks. The Article discusses the technical details of granting priority in depth.	Right of priority has to be covered in Patent Design and Trademark Act, 2022 (1965).
Article 4bis states that patents obtained for the same invention in various members of the Paris Union are independent of each other.	Section 3 of Patent Design and Trademark Act, 2022 (1965).
Article 4ter requires that inventors have the right to be named as such in the patent.	Sections 2(a), 3(1), 4(1)(a) of Patent, Design and Trademark Act, 2022 (1965).

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<p>Under Article 4quater restrictions or limitations on the sale of a patented product or a product produced by a patented process cannot be the grounds for refusing a patent or invalidating one already issued. Under Article 5(A)(1), importation of a patented product manufactured in a Paris Union country cannot be the basis of forfeiture of the patent. Article 5(A)(2) and (3) authorize countries to use compulsory licensing as a means to prevent abuses, such as the failure to work, but they may not forfeit a patent unless the grant of a compulsory license would not be sufficient to prevent the abuse. Proceedings for forfeiture or revocation cannot be institute until two years after the grant of the first compulsory license.</p>	<p>There is no provision to prohibit Patentability in case of Restrictions of Sale by Law. There is no provision of forfeiture of the patent if imported by the registered patentee. There is no provision of a compulsory license, it is required to be covered in Patent, Design and Trademark Act, 2022 (1965).</p>
<p>Article 5(A)(4) prohibits application for a compulsory license for failure to work until four years have passed since tile application was filed or three years from date of grant and no compulsory license is to be granted if the patentee justifies the failure to work. Licenses are to be non-exclusive, and may not be transferred except with the enterprise or goodwill that exploits the license. Article 5(B) prohibits forfeiture of industrial designs for failure to work or for importing articles corresponding to those that are protected.</p>	<p>Provision for a compulsory license is to be covered. Patent, Design and Trademark Act, 2022 (1965) has not made any provision for forfeiture of design on such grounds.</p>
<p>Article 5(C) prohibits cancellation of a mark for unjustified non-use before a reasonable period of time has passed and permits the proprietor to use differing elements that do not diminish the distinctive character of a mark without invalidating the registration or diminishing the protection granted the mark. Concurrent use of the mark by co-proprietors is permitted so long as the public is not mislead.</p>	<p>Section 18C of the Patent, Design and Trademark Act, 2022 (1965).</p>
<p>Under Article 5(D), protection of patents, registered trademarks, and industrial designs cannot</p>	<p>The said conditions of Article 5(D) of Paris Convention (1967) are not required under Patent, Design and Trademark Act, 2022 (1965).</p>
<p>Article 5bis requires that a grace period of at least six months be provided for the payment of maintenance fees for industrial property, but a surcharge is permissible. Countries are authorized to restore patents that lapsed for non-payment of fees.</p>	<p>Sections 23B(2) of Patent, Design and Trademark Act, 2022 (1965).</p>
<p>Article 5ter prohibits a Paris Member from making use of patented devices aboard a vessel, aircraft, of land vehicle temporarily or accidentally in the territory or the Member.</p>	<p>Patent, Design and Trademark Act, 2022 (1965) has no provision to consider it as infringements of the rights of a patentee.</p>
<p>Article 5quater requires that process patent owners have all the rights against an imported product produced by the patent process that they would have with respect to products manufactured at home.</p>	<p>It has to be covered.</p>
<p>Article 5quinques requires that Paris Members protect industrial designs.</p>	<p>Sections 2(b), 12(2), 15 of Patent, Design and Trademark Act, 2022 (1965).</p>

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Article 6 makes the conditions for filing and registration of trademarks subject to domestic legislation but also makes filing and registration independent of those in other countries, including the country of origin.	Sections 21B, 21C, 23, 23A of Patent, Design and Trademark Act, 2022 (1965).
Article 6bis requires parties, ex officio if legally possible or at the request of an interested party, to refuse to register or, for a period of at least 5 years, to cancel the registration of a trademark confusingly similar to a well-known mark. No time limit is placed on a mark used in bad faith.	Section 16(2), proviso of 18(1), 18(3), 19 of Patent, Design and Trademark Act, 2022 (1965).
Article 6ter requires Members to refuse to register or to invalidate the registration that includes, without authorization, armorial bearings, flags, state emblems, official signs and hallmarks, etc. An exception is provided for owners of rights acquired in good faith before the Convention entered into force for that country.	Proviso of Sub-section (1) of Sections 18, Section 18(3) of Patent, Design and Trademark Act, 2022 (1965).
Article 6quarter makes the assignment of a mark valid if the portion of the business or goodwill of the business together with the exclusive right to manufacture and sell the goods bearing the mark are also transferred.	Sections 21.D, 16(2) of Patent, Design and Trademark Act, 2022 (1965).
Article 6quinquies requires that trademarks duly registered in a Member be accepted for filing in other Members, with certain reservations, and establishes the conditions under which a trademark may be denied registration or may be invalidated.	Section 21.C, Proviso of Subsection (1) of Sections 18, 18(3) of Patent, Design and Trademark Act, 2022 (1965).
Article 6sexties states that Paris Members undertake" to protect service marks without being required to provide for their registration.	Section 2 (c) proviso of subsection (1) of sections 18, 18B of Patent, Design and Trademark Act, 2022 (1965).
Article 6septies requires that trademark owners be able to oppose or request cancellation of a registration of their trademarks applied for by their agent or representative without their authorization "unless the agent or representative justifies his action.	Proviso of Subsection (1) of Sections 18, 18(3), 18C, 20 of Patent, Design and Trademark Act, 2022 (1965).
Article 7 states that the nature of the goods to which a trademark is applied may in no case be an obstacle to the registration of the trademark. (Duplicate language is in TRIPS Article 15.4.)	Sections 21.C, 16(1), 2(c) of Patent, Design and Trademark Act, 2022 (1965). It is not supposed as requirement for the registration.
Article 7bis requires that Members permit registration of collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even where the association is not established in the country where protection is being sought.	Section 21.C of Patent, Design and Trademark Act, 2022 (1965).

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Article 8 requires that trade names be protected by Members without the necessity of registration, whether or not the names are part of a trademark.	Proviso of Subsection (1) of Sections 18, 18(3), 18B of Patent, Design and Trademark Act, 2022 (1965); Section 6(1) of Company Act, 2053.
Article 9 requires seizure on importation or exclusion or goods bearing a trademark or trade name without authorization, unless a country's laws provide for neither remedy, in which case domestic actions and remedies must be available.	Sections 19, 25 of Patent, Design and Trademark Act, 2022 (1965); Seizure on importation and prohibition on importation is to be covered.
Article 10 applies the obligation of Article 9 to the direct or indirect use of false indications of source of goods, or false indication of the producer, manufacturer, or merchant of such goods.	It has to be covered.
Article 10bis requires Members to provide protection against unfair competition, including against acts that create confusion of various kinds about the goods or activities of a competitor, that consist of false allegations about a competitor, or that are apt to mislead the public regarding a competitor's goods.	It also has to be covered. Section 25 of Patent, Design and Trademark Act, 2022 (1965).
Article 10ter requires that Members undertake to assure to foreign nationals effective legal remedies to repress actions referred to in Articles 9, 10 and 10bis, and to allow federations and associations representing foreign businesses, on the basis of reciprocity, to take action in court and before administrative authorities to repress such acts.	Section 25 of Patent Design and Trademark Act, 2022 (1965) and other remedies to repress actions referred to in Articles 9, 10 and 10 bis of Paris Convention (1967) are to be covered; Sections 20, 21A(2) of Patent, Design and Trademark Act, 2022 (1965).
Article 11 requires that temporary protection, consistent with domestic legislation, be afforded to patentable inventions, utility models, industrial designs and trademarks in respect of goods exhibited at official or officially recognized international exhibitions held in their territory.	It has to be covered.
Article 12 requires Members to establish industrial property offices for patents, utility models, industrial designs and trademarks for the communication to the public through publication of a periodic journal of the names of patent owners with a brief designation of their inventions, and the reproduction of trademarks.	Sections 2(d), 21A(1), 22 of Patent, Design and Trademark Act, 2022 (1965).
Article 19 authorizes Members to enter into separate and special industrial property agreements among themselves, so long as those agreements do not contravene the provisions of Paris.	Nepalese Intellectual Property Rights laws do not prohibit the making separate agreements with other countries.
National treatment, with exceptions allowed in the Paris, Berne and Rome Conventions. Article 3.	There is no provision of discrimination between nationals and foreigners.
Most favoured nation treatment, with enumerated exceptions. Article 4.	There is no provision of discrimination between foreigners

TRIPS Agreement	Nepal
Copyright and Neighbouring Rights	Citation to copyright and related laws
Compliance with Articles I through 21 of the Berne Convention with the exception of Article 6bis, Article 9.1.	Copyright Act, 2022 (1965).
Article 2 defines "literary and artistic works" as "every production in the literary, scientific and artistic domain whatever may be the mode or form of its expression," giving examples. Limitations related to speeches are provided in Article 2bis.	Section 2(1)(a) of Copyright Act, 2022 (1965).
Article 3 requires that protection be provided to the works of authors who are nationals of Berne Union members and to works of nationals of non-Union countries if those works are published in a Union member simultaneously with publication in the non-Union country.	Section 2(1)(c), Sections 3(1)(2), 15, 16, 17, 18, 19 of Copyright Act, 2022 (1965).
Article 4 requires that protection be provided cinematographic works not falling under Article 3 if the maker has a headquarters or habitual residence in a Union member and to works of architecture or artistic works incorporated into a building or structure in a Union member.	Sections 2(1)(c), 3(1), 3(2), 15, 16, 17, 18, 19 of Copyright Act, 2022 (1965).
Article 5 requires that authors enjoy the rights required by Berne and any other rights a country provides works on a national treatment basis without being subject to any formalities.	Sections 3(1), 3(2), 6, 8,10 of Copyright Act, 2022 (1965).
Article 7 requires that the term of protection for copyright be 50 years following the death of the author. Special terms are authorized for cinematographic works, anonymous or pseudonymous works, photographic works and works of applied art. Article 8 gives authors of protected works the exclusive right to make or authorize the making of translations of the work.	Sections 8(1), (8(2), 9 of Copyright Act, 2022 (1965). Sections 2(1)(a)(1), 2(1)(d), 10 of Copyright Act, 2022 (1965).
Article 9 requires that authors be given the exclusive right to authorize reproduction of the work in any manner or form with only limited exceptions that do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.	Sections 10, 4, 11, 12, 13, 14 of Copyright Act, 2022 (1965).
Articles 10 and 10bis define certain authorized "free uses of works".	Section 15(2) of Copyright Act, 2022 (1965).
Articles 11, 11bis, and 11ter require that authors of dramatic, dramatico-musical and musical works and any translation thereof and authors of literary and artistic works, the exclusive right to authorize the public performance of their works, including by broadcast, public recitation and any communication to the public.	Sections 2(1)(d), 10(1) of Copyright Act, 2022 (1965).

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Article 12 requires that authors of literary or artistic works have the exclusive right to authorize adaptations, arrangements and other alterations of their works.	Sections 3(1), 3(2), 10(3), 15(1) of Copyright Act, 2022 (1965).
Article 13 authorizes countries to impose reservations and conditions on the exclusive right granted authors of musical works or written works that are recorded.	Sections 11, 12, 13, 14, 16 of Copyright Act, 2022 (1965).
Articles 14 requires that authors of literary and artistic works have the exclusive right to authorize the cinematographic adaptation and reproduction of their works and the distribution, public performance and communication to the public of the adaptation or reproduction, without the limitations authorized under Article 13(1).	Sections 2(1)(d)(2), 10(1), 15(1) of Copyright Act, 2022 (1965).
Article 14bis specifies that a cinematographic work is to be protected as an original work without prejudice to any work that is adapted or reproduced and the author of the cinematographic work is to enjoy the same rights as the author of any other work.	Sections 2(1)(a), 3(1), 3(2), 8, 15(1), 15(3) of Copyright Act, 2022 (1965).
Article 14ter requires "droit de suite" in connection with subsequent sales works of art and manuscripts.	Section 8, 9 of Copyright Act, 2022 (1965).
Article 15 requires that ownership of a work, for purposes of litigation, be presumed to be that which appears on the work in the usual manner.	Sections 2(1)(c), 2(1)(b), 3(2), 3(2)(e), 8(2), 9 of Copyright Act, 2022 (1965).
Article 16 requires that infringing copies of a work be subject to seizure whether domestically produced or imported.	Sections 18, 16, 17(1) of Copyright Act, 2022 (1965).
Article 18 requires that copyright protection be applied to all works which, at the moment Berne becomes effective, have not fallen into the public domain in the country of origin through the expiry of the term of protection.	Sections 2(1)(a), 8 of Copyright Act, 2022 (1965).
Article 19 authorizes Union members to provide greater protection than that required by the Convention.	Sections 2(1)(a), 8, 9, 10, 15, 16, 17, 18, 19 of Copyright Act, 2022 (1965).
Article 20 authorizes Union members to enter into special agreements among themselves to provide more extensive rights than those provided by Berne.	Nepal is Member of WIPO; no law has prohibited to enter into special agreements in this respect.
Protect computer programs, whether in source or object code, as literary works under the Berne Convention. Protect compilations of data, whether in machine readable or other form are to be protected as intellectual creations if they constitute such. Article 10.	Sections 2(1)(a)(6), 3(1), 8 of Copyright Act, 2022 (1965). The provision of compilation of data is to be included in the Act.
Provide rental rights at least for computer programs and cinematographic works with certain exceptions. Article 11.	Sections 3(1), 8, 10, 15(3) of Copyright Act, 2022 (1965).

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Provide a term of protection of fifty years from the death of the author (Berne Article 7.1 and TRIPS Article 9.1) or, for works the term of which is not measured by the life of the author, a term of 50 years from the end of the calendar year of authorized publication, or, if not published within fifty years from making, fifty years from the end of the calendar year of making. Article 12.	Sections 8, 9 of Copyright Act, 2022 (1965).
Confine limitations and exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the right holder's legitimate interests. Article 13.	Sections 11, 12, 13, 14, 10 of Copyright Act, 2022 (1965).
Provide performers with the right for 50 years from the date of a performance to prevent unauthorized fixation of their unfixed performances and of reproductions of such fixations and to prevent the unauthorized broadcast by wireless means and communication to the public of their live performances. Article 14.1 and 5.	Sections 2(1)(a)(2), 8, 9, 15 of Copyright Act, 2022 (1965).
Provide phonogram producers with the right for 50 years from the date of first authorized fixation to prohibit unauthorized reproduction of their phonograms, directly or indirectly, and to prohibit rental of copies of their phonograms once sold or otherwise distributed. Article 14.2, .4, and .5.	Sections 8, 9, 15 of Copyright Act, 2022 (1965).
Providing broadcasting organizations with the exclusive rights for 20 years of fixation, reproduction of fixations, and rebroadcasting by wireless means of their broadcasts and the communication to the public of broadcasts of their broadcasts or provide to the owners of the copyright in the material broadcast the possibility of exercising such rights. Article 14.3 and 5.	Sections 11(2), 15(2)(a) of Copyright Act, 2022 (1965).

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Trademarks	Citation to appropriate law
Provide trademark or service mark protection for any sign, or combination of signs capable of distinguishing the goods or services of one undertaking from those of other undertakings. Article 15.1	Sections 2(c), 16(1), 16(2), 21C of Patent, Design and Trademark Act, 2022 (1965).
Not deny registration for a mark based solely on the nature of the goods or services to which a trademark is to be applied. Article 15.4.	Sections 2(c), 17, 18, 21C of Patent, Design and Trademark Act, 2022 (1965).
Trademarks must be published before or shortly after registration to permit opposition or opportunity to apply for cancellation. Article 15.5.	Sections 21A(1), 21A(2) of Patent, Design and Trademark Act, 2022 (1965).
Provide trademark owners the exclusive right to prevent unauthorized use identical or similar marks for similar goods or services of other parties if confusion is likely to result. Article 16.1	Sections 16(2), 19, 25 of Patent, Design and Trademark Act, 2022 (1965).
Presume confusion where an identical mark is used without authorization on identical goods or services. Article 16.1.	Section 16(2) of Patent, Design and Trademark Act, 2022 (1965).
Provide protection for well know trademarks and service marks in accordance with Article 6bis, of the Paris Convention, even where use is on goods or services which are not similar to those in respect of which a trademark is registered if the latter use would imply a connection with the right holder or would be likely to damage the right holder's interests. Article 16.2 and .3.	Sections 2(c), 18B, proviso of sub-section (1) of sections 18, 18(3) of Patent, Design and Trademark Act, 2022 (1965).
Allow only limited exceptions to the rights conferred by a trademark such as fair use of descriptive terms. Article 17.	It has to be covered.
Provide a period of protection for registration of at least seven years, renewable indefinitely. Article 18.	Sections 18D, 23B(3) of Patent, Design and Trademark Act, 2022 (1965).
Allow cancellation for non-use only after a period of three years of uninterrupted non-use unless valid reasons exist for the non-use, including government interference with use. Article 19.1.	Section 18C of the same Act has provision but is to be amended for 3 years.
No encumbering of the use of a trademark by special requirements. Article 20.	There is no such requirement under laws.
May establish conditions for licensing but compulsory licensing not permitted and owner of registered mark must be able to assign it with or without transfer of business. Article 21.	Sections 16(2), 21D of Patent, Design and Trademark Act, 2022 (1965).

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Geographical Indications	Citation to appropriate law or laws
Provide means to prevent deceptive use of Geographical indications identifying location where a given quality, reputation or other characteristic of a good is attributable to its location. Article 22.1 and 2. Refuse to register or invalidate registrations of trademarks containing geographical indications except in instances in which such marks have been used continuously for at least 10 years or in good faith before 15 April 1994. Article 22.3	Note: Geographical indications is not covered by the existing laws. Patent, Design and Trademark Act, 2022 (1965) is to be amended accordingly.
Protect against use of geographical indications even when literally true but which falsely represent that the goods originate in another territory. Article 22.4	Note: Geographical indications is not covered by the existing laws. Patent, Design and Trademark Act, 2022 (1965) is to be amended accordingly.
Protect, with certain exceptions, appellations or origin for wines and spirits even against use accompanied by expressions such	Note: Geographical indications is not covered by the existing laws. Patent, Design and Trademark Act, 2022 (1965) is to be amended accordingly.
Protect, with certain exceptions, appellations or origin for wines and spirits even against use accompanied by expressions such as 'kind,' type,' 'style,' etc. Article 23.1 and 24.	Note: Geographical indications is not covered by the existing laws. Patent, Design and Trademark Act, 2022 (1965) is to be amended accordingly.
Refuse or invalidate, with certain exceptions trademark registrations containing geographical indications for wines and spirits if they do not originate in the place named. Article 23.2 and 24.	Note: Geographical indications is not covered by the existing laws. Patent, Design and Trademark Act, 2022 (1965) is to be amended accordingly.

TRIPS Agreement	Nepal
Industrial Designs	Citation to appropriate law
Provide, with certain exceptions, protection for new or original, independently created industrial designs. Article 25.1.	Sections 2(b), 12(1), 12(2), 21C, proviso of sections 14(1), 14(3) of Patent, Design and Trademark Act, 2022 (1965).
Ensure that requirements for securing protection for textile designs are not prohibitive of such protection. Article 25.2.	Sections 2(b), 12(1), 12(2), 21C of Patent, Design and Trademark Act, 2022 (1965).
Protection should last at least 10 years.	Sections 14A, 23B of Patent, Design and Trademark Act, 2022 (1965).

TRIPS Agreement	Nepal
Patents	Citation to appropriate law
Provide patents for any inventions, whether products or processes, in all fields of technology if they are new, involve an inventive step and are industrially applicable. Exceptions are permitted for plants and animals, except for microorganisms and non-biological and microbiological processes. Exemptions are also permitted for reasons of ordre public and morality. Article 27.	Section 2(a), Sections 3(1), 4, 7, 5(1), 5(2), 6, 21B of Patent, Design and Trademark Act, 2022 (1965).
Provide patent owners with the right to prevent others from making, using, offering for sale, selling or importing a patented product or from using a patent process or using, offering for sale, selling or importing a product produced directly using such process. Article 28.1.	Sections 3(2), 11, 6(1)(a), 6(2), 25 of Patent, Design and Trademark Act, 2022 (1965). Right to prevent others from importing is to be covered.
Give patent owners the right to assign the rights in the patent, or transfer the rights by succession, or license them. Article 28.2	Sections 3(3), 9 of Patent, Design and Trademark Act, 2022 (1965).
Require applicants to disclose the invention so that one skilled in the art can carry it out and may require indication of the best mode and information on corresponding foreign applications. Article 29.	Sections 7A(1), 7A(2), 10 of Patent, Design and Trademark Act, 2022 (1965).
Ensure that any exceptions to exclusive patent rights do not unreasonably conflict with normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner, taking third party interests into account. Article 30.	Sections 3(1), 3(2), 3(3) of Patent, Design and Trademark Act, 2022 (1965).
Compulsory licenses can be issued only when enumerated conditions are met, including such things as notice, remuneration, limitations on use and transfer of the license, etc. Article 31.	No provision of compulsory licenses exists under this Act.
Provide an opportunity for judicial review of decisions to revoke or forfeit a patent. Article 32.	Section 27 of the Patent, Design and Trademark Act, 2022 (1965).
Provide a patent term of at least 20 years from the filing date. Article 33.	Sections 8(1), 23B(3) of Patent, Design and Trademark Act, 2022 (1965).
Shift the burden of proof in process patent infringement actions to the defendant in instances in which the product produced by the process is new or where it is substantially likely that the identical product was made using the process and the patent owner has been unable through reasonable efforts to determine the process used. Article 34.	It has to be covered.

TRIPS Agreement	Nepal
Integrated-Circuit Layout Designs	Citation to appropriate law
Provide protection for original layout designs of integrated circuits that are registered or have been commercially exploited anywhere in the world. Articles 3, 4, 5, and 7 of the Washington Treaty as incorporated into TRIPS by Article 35.	Not covered by the existing intellectual property rights laws.
Make unlawful, except in certain circumstances, the reproduction, importation, sale or other distribution of a protected layout design or an integrated circuit embodying such design or an article containing such a microcircuit. Article 6 of Washington and Article 36 of TRIPS.	Not covered by the existing intellectual property rights laws.
Provide such protection for a term of 10 years from the filing of an application for registration or from first commercial exploitation. Article 38.	Not covered by the existing intellectual property rights laws.

TRIPS Agreement	Nepal
Undisclosed Information	Citation to appropriate law or laws
Provide protection for undisclosed information that is secret (not generally known or readily ascertainable); has commercial value because of its secrecy, and has been subject to reasonable steps to keep it secret. Article 39.2.	It is not covered by existing laws.
Protect data submitted to obtain marketing approval for pharmaceutical or agricultural chemicals utilizing a new chemical entity. Article 39.3.	It is to be covered.

TRIPS Agreement	Country
Enforcement	Citation to appropriate law or laws
-	General Provisions
Provide for effective action against infringement of intellectual property rights without creating barriers to legitimate trade or opportunities for abuse. Article 41.1	Sections 6(2), 11,15, 14(3), 18(3), 19, 25 of Patent, Design and Trademark Act, 2022 (1965). Sections 17, 18, 19, 21 of Copyright Act, 2022 (1965).
Provide enforcement procedures that are fair and equitable and are not unnecessarily complicated or costly and do not entail unreasonable time-limits or unwarranted delays. Article 41.2	Precedents of the Supreme Court, principles of Natural Justice, Section 3(1)(a), Schedule 1 of Short Procedural Act, 2028.
Provide decisions on the merits based upon the evidence presented in the case to the parties, preferably in writing with the reasons explained. Article 41.3.	Number 184A, 185 of Court Management of Muluki Ain, Principles of National Justice, Precedents.
Provide for appeals to judicial bodies of final administrative decisions and of at least the legal aspects of initial judicial decisions on the merits of a case. Article 41.4.	Section 27 of Patent, Design and Trademark Act, 2022 (1965); Section 22 of the Copyright Act, 2022 (1965); Sections 8(1), 9(1)(c) of Justice Administration Act, 2048.
Civil and Administrative Procedures and Remedies	Section 17(2) of the Copyright Act, 2022 (1965), Section 25 of the Patent Design and Trademark Act, 2022 (1965); Section 3(1)(a), Schedule 1 of Short Procedure Act, 2028; Sections 8(1), 8(2) of Justice Administration Act, 2048; Section 23 of the Copyright Act 2022 (1965).
Provide a procedure that allows plaintiffs to bring an action for infringement; requires that defendants be notified; permits both side to present evidence in support of their position; and protects confidential information. Article 42	Sections 20, 7A(3), 7A(4), 21A(2), Proviso of Section 18(3), Proviso of Section 6(2), proviso of Section 14(3) of Patent Design and Trademark Act, 2022 (1965); Section 24 of Copyright Act, 2022 (1965). Protection of confidential information is to be covered.
Authorize judges to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Article 43. 1.	Sections 7, 35(2)(A) of Evidence Act, 2031.
Authorize judges to enjoin a defendant, except the government, from infringing intellectual property rights. Article 44. 1.	Section 8(2) of Justice Administrative Act, 2048.
Authorize judges to order the payment of monetary damages adequate to compensate for the injury done by the infringement. Article 45.1	Section 25 of the Patent, Design and Trademark Act, 2022 (1965); Section 17(2) of Copyright Act, 2022 (1965).
Authorize judges to order infringer to pay right holders enforcement costs and recovery of profits and/or statutory damages. Article 45.2.	Section 25 of the Patent, Design and Trademark Act, 2022 (1965); Section 17(2) of Copyright Act, 2022 (1965).
Authorize additional remedies including seizure of infringing goods, and the materials and implements the predominant use of which is infringement. Article 46.	Sections 11, 15, 19 of Patent, Design and Trademark Act, 2022 (1965); Sections 17(1), 18 of the Copyright Act, 2022 (1965).

TRIPS Agreement	Country
Enforcement	Citation to appropriate law or laws
Authorize indemnification of defendant, including attorneys' fees in the event of abuse by plaintiffs. Article 48.1.	It is not covered.
Exempt public authorities and officials from liability in connection with the administration of intellectual property laws only where the actions are taken or intended in good faith within the scope of the relevant authority. Article 48.2.	It is to be recovered.
Ensure that administrative remedies conform to the principles in the preceding Articles. Article 49.	Precedents of the Supreme Court, principles of Natural Justice, Number 184A, 185 of Court Management of Mulki Ain.
- Provisional Measures	
Authorize judges to grant temporary restraining orders and provisional relief to prevent infringement and to preserve evidence. Article 50.1.	Section 8(2) of Justice Administration Act, 2048. Section 17(2) of Civil Rights Act, 2012.
Authorize judges to require the complaining party to indemnify the defending party against harm if the decision on the merits finds the provisional relief unjustified. Article 50.3.	It has to be covered.
Provide for notice, for formal action by the plaintiff after temporary restraining orders, etc. Article 50.4+.	Sections 6, 7 of Short Procedural Act, 2028.
- Border Measures	
Provide for suspension of release by customs authorities of goods suspected of bearing a counterfeit trademark or of being a piratical copyrighted work, either at the request of a right holder. Members are authorized to extend such protection to holders of other forms of intellectual property, Article 51	Section 18 of the Copyright Act, 2022 (1965). This provision also has to be covered in other forms of intellectual property.
Require right holders initiating border measures to provide evidence of a prima facie infringement and a description of the goods sufficient for customs authorities to recognize them. The right holder must be notified within a reasonable time if action will be taken on his behalf. Article 52	It (border measures) has to be covered in intellectual property right laws.
Authorize authorities to require the right holder requesting border measures to post a bond sufficient to protect the defendant and to prevent abuse. Article 53	It has to be covered in intellectual property right laws.
Requires prompt notification of the right holder and the importer when action under Article 51 is taken. Article 54	It has to be covered in intellectual property right laws.
Requires that customs authorities be notified within a maximum of 20 days of the receipt of notice that proceedings on the merits have begun or the suspension is to be revoked. Article 55	It has to be covered in intellectual property right laws.

TRIPS Agreement	Country
Enforcement	Citation to appropriate law or laws
<p>Authorities must be authorized to require the right holder to compensate the importer or owner of the goods subject to border measures if goods were wrongfully detained or if proceedings leading to a decision on the merits are not begun within the allotted time. Article 56.</p>	<p>It has to be covered in intellectual property right laws.</p>
<p>Right holders must be allowed to inspect the detained goods in order to substantiate the right holder's claims. Importers must be given similar authority. Members may give the right holder the names and addresses of those involved in the importation when infringement is found to exist. Article 57.</p>	<p>It has to be covered in intellectual property right laws.</p>
<p>Establishes the conditions that must be in place if customs authorities are authorized to act ex officio, including the ability to ask the right holder for information at any time; the requirement to notify the importer promptly of the suspension; and the requirement that public officials be liable if they act in bad faith. Article 58</p>	<p>It has to be covered in intellectual property right laws.</p>
<p>Competent authorities must be able to order destruction or disposal other than by re-export of infringing goods where appropriate. Article 59</p>	<p>It has to be covered in intellectual property right laws.</p>
<p>Members are authorized to exempt from border measures small quantities of infringing goods of a non-commercial nature carried in personal luggage or shipped in small consignments. Article 60</p>	<p>Proviso of section 16 of Copyright Act, 2022 (1965); It has to be covered in Patent Design and Trademark Act, 2022 (1965) for small quantities of infringing goods of a non-commercial nature.</p>
<p>- <u>Criminal Procedures</u></p>	
<p>Provide criminal procedures and penalties, sufficient to act as a deterrent, for wilful trademark counterfeiting or copyright piracy on a commercial scale. Authorizes extension of criminal actions to other forms of intellectual property where infringements are wilful and on a commercial scale. Article 61.</p>	<p>Sections 17,18,19,21 of the Copyright Act, 2022 (1965); Sections 11, 15, 19 of Patent, Design and Trademark Act, 2022 (1965); provision for criminal procedures and penalties/imprisonment has to be covered and other forms of intellectual property right has to be covered in this respect in Patent, Design and Trademark Act, 2022 (1965).</p>