

Subject to Legal Review for Accuracy, Clarity and Consistency

(Letter from Japan to New Zealand)

Dear :

I have the honour to confirm the following understanding with regard to the implementation of Article 18.63 (term of protection for copyright and related rights) and Article 18.70 (collective management) of the Trans-Pacific Partnership Agreement (“the Agreement”) signed on this day:

- (i) Japan and New Zealand recognise that, from the date of entry into force of the Agreement for Japan, the term of protection for copyright and related rights to be provided in Japan pursuant to the Agreement will exceed the term of protection currently provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognising the importance of efficient collection and distribution of royalties between Japan and New Zealand as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organisations, Japan and New Zealand invite and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.
- (iii) Japan and New Zealand may meet, as appropriate, to discuss the matters referred to in paragraph (ii) or to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honour to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and New Zealand under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

Subject to Legal Review for Accuracy, Clarity and Consistency

(Letter from New Zealand to Japan)

Dear []:

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

I have the honour to confirm the following understanding with regard to the implementation of Article 18.63 (Term of Protection for Copyright and Related Rights) and Article 18.70 (Collective Management) of the Trans-Pacific Partnership Agreement (“the Agreement”) signed on this day:

(i) Japan and New Zealand recognise that, from the date of entry into force of the Agreement for Japan, the term of protection for copyright and related rights to be provided in Japan pursuant to the Agreement will exceed the term of protection currently provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.

(ii) In connection with paragraph (i), and recognising the importance of efficient collection and distribution of royalties between Japan and New Zealand as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organisations, Japan and New Zealand invite and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.

(iii) Japan and New Zealand may meet, as appropriate, to discuss the matters referred to in paragraph (ii) or to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honour to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and New Zealand under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

I have the further honour to confirm that my Government shares this understanding.