

Subject to Legal Review for Accuracy, Clarity and Consistency

[date of signature of the TPP Agreement]

The Honourable Michael B. Froman
United States Trade Representative
Washington, D.C., United States of America

Dear Ambassador Froman:

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Malaysia (Malaysia) and the Government of the United States of America (United States) during the negotiations on Chapter 18 (Intellectual Property) of the TPP Agreement:

Malaysia and the United States agree that Malaysia may, in a manner consistent with its international obligations, apply Article 18.41 and Article 18.50.3 with respect to the protections afforded under Article 18.50.1-2 and 18.52, regardless of patent status.

I have the honour to confirm that my Government shares this understanding, and that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between Malaysia and the United States.

Sincerely,

Mustapa Mohamed

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[date of signature of the TPP Agreement]

The Honorable Mustapa Mohamed
Minister of Trade and Industry
Kuala Lumpur, Malaysia

Dear Minister Mohamed:

I am pleased to acknowledge your letter of this date, which reads as follows:

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Malaysia (Malaysia) and the Government of the United States of America (United States) during the negotiations on Chapter 18 (Intellectual Property) of the TPP Agreement:

Malaysia and the United States agree that Malaysia may, in a manner consistent with its international obligations, apply Article 18.41 and Article 18.50.3 with respect to the protections afforded under Article 18.50.1-2 and 18.52, regardless of patent status, consistently with its international obligations.

I have the honour to confirm that my Government shares this understanding, and that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between Malaysia and the United States.

I have the honor to confirm that my Government shares this understanding, and that your letter and this letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between Malaysia and the United States.

Sincerely,

Ambassador Michael B. G. Froman