

[DATE]

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

Dear Ambassador Froman

I have the honour to confirm the following understanding reached between representatives of the Government of Australia (Australia) and the Government of the United States of America (United States) during negotiations of Chapter 18 (Intellectual Property) of the Trans-Pacific Partnership Agreement (TPP Agreement):

For greater certainty, Article 17.9.7(b) of the Australia-United States Free Trade Agreement permits use by the government or third persons authorised by the government for the services of the government, provided that such use is consistent with Article 31 of the TRIPS Agreement and with sub-paragraphs (i), (ii) and (iii) of Article 17.9.7(b).

I have the further honour to propose that this letter and your letter in reply confirming that your Government shares this understanding 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 Australia and the United States.

Yours sincerely

Andrew Robb

[Date of signature of the TPP Agreement]

The Honorable Andrew Robb  
Minister for Trade and Investment  
Canberra, Australia

Dear Minister Robb

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

“I have the honour to confirm the following understanding reached between representatives of the Government of Australia (Australia) and the Government of the United States of America (United States) during negotiations of Chapter 18 (Intellectual Property) of the Trans-Pacific Partnership Agreement (TPP Agreement):

For greater certainty, Article 17.9.7(b) of the Australia-United States Free Trade Agreement permits use by the government or third persons authorised by the government for the services of the government, provided that such use is consistent with Article 31 of the TRIPS Agreement and with sub-subparagraphs (i), (ii) and (iii) of Article 17.9.7(b).

I have the further honour to propose that this letter and your letter in reply confirming that your Government shares this understanding 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 Australia 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 the United States and Australia.

Sincerely,

Michael B.G. Froman