

MEMORANDUM OF UNDERSTANDING
ON COOPERATION IN THE FIELD
OF INTELLECTUAL PROPERTY
BETWEEN
THE COMMERCE DEPARTMENT OF THE MINISTRY FOR THE
ECONOMY, INVESTMENT AND SMALL BUSINESS
OF THE REPUBLIC OF MALTA
AND
THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA

The Commerce Department of the Ministry for the Economy, Investment and Small Business of the Republic of Malta and the State Intellectual Property Office of the People's Republic of China (hereinafter referred to individually as "Party" and collectively as the "Parties");

RECOGNIZING the desire of the Government of the Republic of Malta and the Government of the People's Republic of China to promote and strengthen bilateral relations in various fields;

DESIRING to promote and strengthen cooperation in the field of intellectual property ("IP");

COGNIZANT of the strategic importance of IP rights in national economic development and in scientific and technological innovation, and of the role of IP in fostering technology transfer and the growth of the creative industries;

MINDFUL that bilateral cooperation in the promotion and protection of IP rights will encourage further economic exchanges as well as exchanges in the fields of science and technology and culture between the two countries;

HAVE REACHED the following understanding:

Article 1

The Parties shall exchange information and experiences and cooperate on aspects related to the creation, exploitation, protection, management and service of IP rights in their respective jurisdictions, and, in particular, in the following areas:

- legal and policy aspects of IP rights
- commercialization of IP rights
- protection of IP rights
- technical assistance and capacity building cooperation in IP

The Parties believe that the conclusion of this MOU shall contribute to the promotion of a cooperative relationship, mutual understanding, and friendship between the IP agencies of the two countries, and will ultimately be of benefit to IP owners and the general public in the two countries. The Parties shall endeavour to develop exchanges and cooperation in this field on the basis of mutual respect, equality, and mutual benefit.

Article 2

The Parties reaffirm to each other their rights and obligations under their respective national laws and regulations and under international treaties and agreements in the area of IP rights to which Malta and the People's Republic of China have acceded.

Article 3

The cooperation of the Parties in the field of IP shall cover the following:

1. Periodic exchanges of high-level visits in order to brief each other on latest developments and to exchange views on important international issues in the field of IP.
2. Regular exchange of views, information and experiences in the field of IP including (but not limited to) national policies and strategies, best practices relating to IP protection, search and examination practices, IP exploitation, training of personnel, and IP public awareness campaigns.

3. Exchanges on protection efforts and policies in the areas of traditional knowledge (TK) and genetic resources (GR).
4. Institutional cooperation and technical exchanges in relevant areas such as automation of IP systems, database management, and services to the public.
5. Exchange of views on major issues related to international IP systems and issues that are under deliberation at the *World Intellectual Property Organization* (WIPO) and other international fora.
6. Provision of training courses and seminars for IP administrators and examiners in the respective countries.
7. Joint training programmes and workshops in Malta for IP offices and IP practitioners in North Africa and the Middle East.
8. Joint studies and research on emerging IP issues
9. Other matters as mutually agreed between the Parties.

Article 4

The Parties note that it was agreed in the *Memorandum of Understanding Between the Government of the Republic of Malta and the Government of the People's Republic of China on a Medium-Term Cooperation Plan (2014-2019)* executed on July 9, 2014, that the respective Governments shall encourage *inter alia* specialist enterprises, including innovative SMEs, to consider the establishment of holding companies for IP rights in each other's territory. The Parties shall facilitate the establishment of such holding companies by taking measures to publicize related information in this area.

Article 5

The Parties shall encourage and promote exchanges between associations of IP practitioners (including lawyers, agents and in-house IP counsel) in the respective territories, and such exchanges shall include discussions on the use by Chinese IP owners of Maltese law firms and agencies, as well as their partners in China, for patent applications in Europe.

Article 6


This MOU may be amended or supplemented by written agreement between the Parties.

The Parties acknowledge that the implementation of this MOU shall accord with their respective national laws (including, in the case of Malta, European Union law), and shall not affect any of their rights and obligations under applicable international law.

Article 7

This MOU shall come into effect on the date of signing and shall be valid for a period of five (5) years. The term of this MOU shall be extended automatically for the same period unless either Party sends a written notice to the other Party, six months prior to the expiry of this MOU, expressing an intention to terminate it. Any such termination of this MOU shall not affect the implementation of any activities, programs, agreements or contracts that were signed, approved, or scheduled before the date of the notice of the termination.

This *Memorandum of Understanding* is signed on 6th July 2015 in Valletta in duplicate in the English and Chinese languages, with each language version being equally authentic.



For the

Commerce Department of the Ministry for
the Economy, Investment and Small Business
of the Republic of Malta



For the

State Intellectual Property Office
of the People's Republic of China

马耳他共和国经济、投资和小企业部商业局 与中华人民共和国国家知识产权局 知识产权领域合作谅解备忘录

为促进和加强马耳他共和国政府和中华人民共和国政府在各领域的双边合作关系，进一步推动两国在知识产权（IP）领域的合作，马耳他共和国经济、投资和小企业部商业局与中华人民共和国国家知识产权局（以下简称“双方”）充分认识到知识产权在国家经济发展和科技创新中的战略地位和促进技术转移和发展创意产业中的重要作用，认为双方在促进和保护知识产权领域的合作将有利于进一步推动两国间的经济、科技和文化往来。

双方达成如下共识：

第一条

双方将就各自管辖范围内的知识产权创造、运用、保护、管理和服务相关工作交流信息和经验并开展相关合作，特别是在以下领域：

- 知识产权法律和政策
- 知识产权商业化

- 知识产权保护
- 知识产权技术援助和能力建设合作

双方一致认为，本谅解备忘录的签署有利于促进两国知识产权主管机构间的双边合作、相互理解和友好关系，并从根本上有利于两国知识产权所有人和公众。双方将在互相尊重、平等和互利的基础上开展知识产权领域的交流与合作。

第二条

双方将依照各自国家的法律规定以及马耳他和中国共同加入的知识产权领域国际条约和协议行使权利和履行义务。

第三条

双方在知识产权领域的合作包括以下方面：

- 1、高层定期互访，交流各自在知识产权领域的最新进展并就重大知识产权国际事务交换意见。
- 2、定期交流知识产权方面的看法、信息和经验，包括（但不限于）国内政策和战略、知识产权保护最佳实践、检索和审查实务、知识产权运用、人员培训和公众知识产权意识提升。
- 3、传统知识和遗传资源等方面的保护经验和政策交流。
- 4、知识产权信息化系统、数据库管理和公众服务等方面的合作和交流。
- 5、就与世界知识产权组织（WIPO）和其他国际组织正在审

议的涉及国际知识产权制度和事务的重大事项交换意见。

6、在本国组织针对对方知识产权官员和审查员的培训班或研讨会。

7、在马耳他联合举办面向北非和中东地区知识产权机构和从业者的培训班和研讨会。

8、共同研究新出现的知识产权问题。

9、双方一致同意的其他事项。

第四条

双方认识到，在2014年7月9日生效的《马耳他共和国和中华人民共和国政府中期合作规划谅解备忘录（2014-2019）》中，双方政府同意将鼓励包括创新型中小企业在内的本国企业在对方国家设立知识产权控股公司。双方将采取措施宣传相关信息，方便知识产权控股公司的设立。

第五条

双方将鼓励和推动知识产权从业者（包括律师、代理人和公司知识产权顾问等）协会间的交流，包括探讨中国知识产权所有人通过马耳他律所和代理机构以及其在中国的合作伙伴在欧洲进行专利申请等事项。

第六条

双方可以书面形式对本谅解备忘录进行修订和补充。

双方确认，本谅解备忘录的执行应符合各自国家的法律规定（对马耳他而言，同时应符合欧盟法律），且不能影响其依相关国际法所享有的权利和义务。

第七条

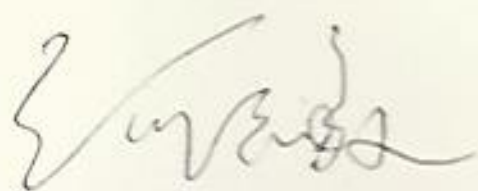
本谅解备忘录自签署之日起生效，有效期为五年。谅解备忘录届满后自动续展（五）年，除非一方在届满日六个月前以书面形式向另一方发出终止通知。终止通知日前双方签署、同意或安排的相关活动、项目、协议或合同的执行，不受此谅解备忘录终止的影响。

本谅解备忘录于2015年7月6日在瓦莱塔正式签署，一式两份，以英文和中文书就，两种文本同等作准。



马耳他共和国

经济、投资和小企业部商业局



中华人民共和国

国家知识产权局