



## **On approval of the Agreement on cooperation in combating production and distribution of counterfeit products**

### *Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated November 13, 2017 No. 736.

### *Unofficial translation*

The Government of the Republic of Kazakhstan hereby RESOLVES:

1. To approve the attached Agreement on cooperation in combating production and distribution of counterfeit products, executed in the city of Kazan on May 26, 2017.
2. This resolution shall take effect from the date of its signing.

*Prime Minister  
of the Republic of Kazakhstan*

*B. Sagintayev*

Approved  
By Order No. 736  
of the Government  
of the Republic of Kazakhstan  
dated November 13, 2017

## **AGREEMENT**

### **on cooperation in countering production and distribution of counterfeit products**

The governments of the states- parties to this Agreement, hereinafter referred to as the Parties, for the purpose of creating favorable conditions for expanding economic, scientific, technical and cultural cooperation between the states - parties to this Agreement,

wishing to provide conditions for decreasing threat to the economic security of the states- parties to this Agreement, and also risk to the life and health of consumers,

understanding the need to coordinate the efforts of the states - parties to this Agreement and to take effective measures to counter unfair competition in the field of intellectual property, production and distribution of counterfeit products,

considering the importance of enhancing protection of intellectual property rights, including copyright and related rights on the Internet,

guided by the international obligations and the laws of the states - parties to this Agreement,

basing on the provisions of the Agreement on Measures for the Prevention and Repression of the Use of False Trademarks and Geographical Indications of June 4, 1999, as well as the Agreement on Cooperation in the field of legal protection and protection of intellectual property and establishment of the Interstate Council on Legal Protection and Protection of Intellectual Property of 19 November 2010,

**have agreed as follows:**

## **Article 1**

The Parties shall cooperate in the field of countering the production and distribution (acquisition, storage, movement) of counterfeit products (manufactured and distributed with violation of intellectual property rights), including in the digital environment, shall provide legislative measures to effectively suppress the circulation of counterfeit goods, and contribute to the expansion of interaction of the authorized (competent) bodies of the Parties basing on the principles of equality in accordance with international treaties, to which they are parties, and the laws of their states.

## **Article 2**

The Parties shall develop and implement measures aimed at improving the regulatory framework in the security and protection of intellectual property rights, creating mechanisms to counter production and distribution of counterfeit products, and violation of intellectual property rights, including on the Internet.

The Parties shall exchange information in the field of combating production and distribution of counterfeit products between authorized (competent) bodies of the Parties in accordance with the legislation of their states.

## **Article 3**

In the implementation of this Agreement and in accordance with the national legislation the Parties shall:

contribute to harmonization of the regulatory framework in the field of intellectual property rights protection to combat production and distribution of counterfeit products, including provisions of the civil, administrative, customs, antitrust, penal and procedural legislation of the states - parties to this Agreement;

improve enforcement mechanisms of these provisions, including intensification of administrative and criminal liability for the production and distribution of counterfeit products ;

incorporate the provision in the national legislation criminalizing production and circulation of counterfeit, falsified medicines, if such a provision is not incorporated in the legislation of the states - parties to this Agreement;

carry out various kinds of actions, including operational and preventive measures, for the prevention, detection, counteraction and suppression of offenses and crimes related to the circulation of counterfeit products;

develop methods for identification, suppression and disclosure of this category of offenses and crimes;

contribute to improving qualifications of the personnel of internal affairs bodies, customs, tax, antitrust, judicial authorities, as well as other authorities of the states - parties to this Agreement, whose competence includes issues related to countering production and distribution of counterfeit products in the field of intellectual property protection;

assist to enhancement of cooperation of authorized (competent) bodies of the states - parties to this Agreement with copyright holders;

exchange experience in preventing, detecting, countering and combating offenses and crimes related to the circulation of counterfeit products;

exchange information regarding identification of production sites of counterfeit products and their distribution channels;

exchange educational, methodological and special literature;

conduct workshops, research and training conferences, forums, as well as researches, joint including, on this subject.

#### **Article 4**

The Parties shall interact in the implementation of the provisions of this Agreement through their authorized (competent) bodies in accordance with the legislation and international obligations of the states - parties to this Agreement.

#### **Article 5**

The Parties shall determine the list of their authorized (competent) bodies and inform the depositary about it upon delivery of a notification on the fulfillment of internal procedures necessary for commencement of this Agreement. Each of the Parties shall notify the depositary of the changes in the list of authorized (competent) authorities within one month in writing through diplomatic channels.

#### **Article 6**

In the implementation of this Agreement, the authorized (competent) bodies of the Parties may conclude interdepartmental agreements on cooperation in the prevention, detection, counteraction and suppression of offenses and crimes related to the circulation of counterfeit products.

#### **Article 7**

Coordination of interaction between the Parties on fulfillment of the provisions of this Agreement shall be assigned to the departmental cooperation body of the Commonwealth of

Independent States - the Interstate Council for legal protection and intellectual property protection.

## **Article 8**

Measures conducted by the Parties to implement this Agreement shall be financed within the funds provided annually in the budgets of the states - parties to this Agreement to the relevant ministries and departments for the performance of their functions.

## **Article 9**

This Agreement shall not affect the rights and obligations of each of the Parties arising for it from other international treaties to which its state is a party.

## **Article 10**

By mutual consent of the Parties, this Agreement may be subject to modifications as an integral part thereof, which shall take the form of the relevant protocol.

## **Article 11**

Disputes between the Parties arising from the application and interpretation of this Agreement shall be resolved through consultations and negotiations of the Parties concerned or through another procedure agreed by the Parties.

## **Article 12**

This Agreement shall take effect 30 days after the date of receipt by the depositary of the third notification on completion by the signatory Parties of the internal procedures necessary for its enactment.

For Parties that have completed the internal procedures later, this Agreement shall take effect 30 days after the date of receipt by the depositary of the relevant documents.

## **Article 13**

This Agreement, after its enactment, is open for accession of any state that shares its aims and principles by communicating an instrument of accession to the depositary.

For the CIS member state, this Agreement shall take effect 30 days after the date of receipt by the depositary of the instrument of accession.

For a state that is not a member of the CIS, this Agreement shall take effect 30 days after the date of receipt by the depositary of the last notice of consent of the signatory or accession states to such accession.

## Article 14

This Agreement is concluded for an indefinite period. Each of the Parties shall be entitled to withdraw from this Agreement by communicating a written notification to that effect to the depositary at least 6 months before withdrawal and settling obligations arising during the term of this Agreement.

Executed in the city of Kazan on May 26, 2017 in one original copy in the Russian language. The original copy is kept in the Executive Committee of the Commonwealth of Independent States, which shall send its certified copy to each state that has signed this Agreement.

*For the Government  
of the Republic of Azerbaijan*

*For the Government  
of the Republic of Armenia*

*For the Government  
of the Republic of Belarus*

*For the Government  
of the Republic of Kazakhstan*

*For the Government  
of Kyrgyz Republic*

*For the Government  
of the Republic of Moldova*

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