

Auckland, February 4, 2016

The Honorable Andrew Robb
Minister for Trade and Investment
Australia

Dear Minister:

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

- (i) Japan and Australia recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for Japan, will exceed the term of protection theretofore 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 recognizing the importance of efficient collection and distribution of royalties between Japan and Australia 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 societies, Japan and Australia encourage 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 Australia intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor 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 Australia 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.

Sincerely,

Shuichi Takatori
State Minister of Cabinet Office of Japan

Auckland, 4 February 2016

Mr. Shuichi Takatori
State Minister of Cabinet Office of Japan

Dear State Minister Takatori,

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

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

- (i) Japan and Australia recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for Japan, will exceed the term of protection theretofore 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 recognizing the importance of efficient collection and distribution of royalties between Japan and Australia 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 societies, Japan and Australia encourage 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 Australia intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor 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 Australia 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.

Yours sincerely

Andrew Robb