

INTELLECTUAL PROPERTY

List provided for in Article 49 of the Framework Agreement

INTRODUCTION

When the legal acts referred to in this Annex contain notions or refer to procedures which are specific to the EU legal order, such as:

- recitals;
- the addressees of the EU legal acts;
- references to territories or languages of the EU;
- references to rights and obligations of EU Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Framework Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

ACTS REFERRED TO

1. 31987 L 0054: Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products (OJ L 24, 27.1.1987, p. 36).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) in Article 1(c), the reference to Article 223(1)(b) of the EEC Treaty (today Article 346 TFEU) shall be replaced by reference to Article 102 of the Association Agreement.
- (b) Article 3(6) to 3(8) shall not apply.
- (c) The text of Article 5(5) shall be replaced by the following:

"The exclusive rights to authorise or prohibit the acts specified in paragraph 1(b) shall not apply to any such act committed after the topography or the semiconductor product has been put on the market in Andorra or in an EU Member State by the person entitled to authorise its marketing or with its consent."

2. 31993 D 0016: Council Decision 93/16/EEC of 21 December 1992 on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America and certain territories (OJ L 11, 19.1.1993, p. 20), as amended by:
 - 31993 D 0520: Council Decision 93/520/EEC of 27 September 1993 (OJ L 246, 2.10.1993, p. 31).

3. 31994 D 0700: Council Decision 94/700/EC of 24 October 1994 on the extension of the legal protection of topographies of semiconductor products to persons from Canada (OJ L 284, 1.11.1994, p. 61).
4. 31994 D 0824: Council Decision 94/824/EC of 22 December 1994 on the extension of the legal protection of topographies of semiconductor products to persons from a Member of the World Trade Organisation (OJ L 349, 31.12.1994, p. 201).
5. 31996 D 0644: Council Decision 96/644/EC of 11 November 1996 on the extension of the legal protection of topographies of semiconductor products to persons from the Isle of Man (OJ L 293, 16.11.1996, p. 18).
6. 31996 R 1610: Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products (OJ L 193, 8.8.1996, p. 30), as amended by:
 - 1 03 T: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33),
 - 1 2005 SA: Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, adopted on 25 April 2005 (OJ L 157, 21.6.2005, p. 203),

- 1 2012 J003: Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, adopted on 9 December 2011 (OJ L 112, 24.4.2012, p. 21).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 3(1)(b), the following shall be added:

"; for the purposes of this subparagraph and the Articles which refer to it, an authorisation to place the product on the market granted in accordance with the national legislation of Andorra shall be treated as an authorisation granted in accordance with Directive 91/414/EEC or an equivalent provision of national law of an EU Member State."

- (b) Article 20 shall not apply.

- 7. 32019 R 0933: Regulation (EU) 2019/933 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products (OJ L 153, 11.6.2019, p. 1).
- 8. 31993 L 0083: Council Directive 93/83/EEC of 27 September 1993 on the co-ordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmissions (OJ L 248, 6.10.1993, p. 15).

9. 31996 L 0009: European Parliament and Council Directive 96/9/EC of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

Article 11(3) shall read:

"The term of any protection extended to databases by virtue of agreements concluded by Andorra or an EU Member State extending the right provided for in Article 7 to databases made in third countries and falling outside the provisions of paragraphs 1 and 2 shall not exceed that available pursuant to Article 10".

10. 31998 L 0071: Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289, 28.10.1998, p. 28).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

The text of Article 15 shall be replaced by the following:

"The rights conferred by a design right upon registration shall not extend to acts relating to a product in which a design included within the scope of protection of the design right is incorporated or to which it is applied, when the product has been put on the market in Andorra or an EU Member State by the holder of the design right or with his/her consent."

11. 32001 L 0084: Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art (OJ L 272, 13.10.2001, p. 32).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

Andorra shall be invited to send representatives to the meetings of the Contact Committee.

12. 31998 L 0044: Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions (OJ L 213, 30.7.1998, p. 13).
13. 32001 L 0029: Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10), as corrected by OJ L 6, 10.1.2002, p. 70.

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

Andorra shall be invited to send representatives to the meetings of the Contact Committee.

14. 32009 L 0024: Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (codified version) (OJ L 111, 5.5.2009, p. 16).

15. 32006 L 0115: Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version) (OJ L 376, 27.12.2006, p. 28).
16. 32006 L 0116: Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (codified version) (OJ L 372, 27.12.2006, p. 12), as amended by:
 - 32011 L 0077: Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 (OJ L 265, 11.10.2011, p. 1).
17. 32015 L 2436: Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1). as corrected by OJ L 110, 26.4.2016, p. 5.

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Articles 4(1)(i) and 4(1)(l), the term "national law of the Member State concerned" shall be understood to be the trade mark law applicable in Andorra or an EU Member State. The words "international agreements to which the Member State concerned is party" shall be understood as "international agreements to which Andorra or an EU Member State is party".
- (b) In Article 4(3)(a) the words "law other than trade mark law of the Member State concerned" are replaced by "law other than trade mark law applicable of Andorra or an EU Member State concerned".

- (c) In Articles 5(2)(a)(i), (2)(b) and (3)(a), Article 6, Article 18(2), Article 44(3) and Article 46(5), the provisions concerning the EU trade mark shall not apply to Andorra unless the EU trade mark extends to Andorra.
- (d) In Article 5(3)(c), the words "the law of the Member State concerned" are replaced by "the law of Andorra or an EU Member State concerned".
- (e) Article 10(4) shall not apply.

18. 32012 L 0028: Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (OJ L 299, 27.10.2012, p. 5).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Andorra shall participate in the single publicly accessible online database established by the Office for Harmonization in the Internal Market referred to in Article 3(6). Andorra shall bear the costs of translation in the Catalan language, where necessary.
- (b) The date of application referred to in Article 8 shall be the day of entry into force of this Agreement.

19. 32014 L 0026: Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72).

20. 32004 L 0048R(01): Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 195, 2.6.2004, p. 16).
21. 32009 R 0469: Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (Codified version) (OJ L 152, 16.6.2009, p. 1).
22. 32016 L 0943: Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 1(1), the term "TFEU" shall be read as "Association Agreement".
- (b) The reference in Article 1(2)(a) and Article 5(a) to "the right to freedom of expression and information as set out in the Charter" shall be read as "the fundamental right to freedom of expression and information".
- (c) In Article 1(2)(b) and (c), the term "Union or national rules" shall be read as "EU rules or national rules of Andorra".
- (d) The reference in Article 1(2)(c) to "Union institutions and bodies" shall be read as including "Andorra institutions and bodies".

- (e) In Article 1(2)(c) and (3)(c), Article 3(2) and Article 5(c) and (d), the term "Union or national law" shall be read as "EU law or Andorra's national law".
- (f) In Article 1(2)(d) and Article 3(1)(c), the term "Union law and national laws and practices" shall be read as "EU law and Andorra's national laws and practices".
23. 32017 L 1564: Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 242, 20.9.2017, p. 6).
24. 32017 R 1563: Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled (OJ L 242, 20.9.2017, p. 1).
25. 32017 R 1128: Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market (OJ L 168, 30.6.2017, p. 1).
26. 32019 L 0790: Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

27. 32019 L 0789: Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (OJ L 130, 17.5.2019, p. 82).

ACTS OF WHICH THE ASSOCIATED PARTIES SHALL TAKE NOTE

1. 31992 Y 0528(01): Council Resolution 92/C 138/01 of 14 May 1992 on increased protection for copyright and neighbouring rights (OJ C 138, 28.5.1992, p. 1).
2. 52017DC0712: Commission Communication of 29 November 2017 setting out the EU approach to Standard Essential Patents COM/2017/0712.