



4 February 2016

Mr. Shuichi Takatori
State Minister of Cabinet Office of Japan
Japan

Dear State Minister,

I have the honour to confirm, on behalf of the Government of Canada, the following understanding reached between the Government of Canada and the Government of Japan:

1. At the time of signature of this letter, the Government of Japan recognizes that the indications listed in Part A of the Annex to this letter (hereinafter referred to as “the Annex”) are protected geographical indications in Canada. Subject to the procedures provided for in the relevant laws and regulations of Japan and in accordance with its applicable laws and regulations, interested parties of Canada may seek protection for these indications as geographical indications in Japan in accordance with Articles 22 through 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as “the TRIPS Agreement”) and subject to the exceptions under Article 24 of the TRIPS Agreement.
2. At the time of signature of this letter, the Government of Canada recognizes that the indications, and translations thereof, listed in Part B of the Annex are protected geographical indications in Japan. Subject to the procedures provided for in the relevant laws and regulations of Canada and in accordance with its applicable laws and regulations, interested parties of Japan may seek protection for these indications as geographical indications in Canada in accordance with Articles 22 through 24 of the TRIPS Agreement and subject to the exceptions under Article 24 of the TRIPS Agreement.

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3. Subject to the procedures provided for in the relevant laws and regulations of Canada and Japan and in accordance with their applicable laws and regulations, the Annex may serve as evidence that the indications listed therein are protected in the territory of their respective country as geographical indications, for the purposes of procedures and proceedings seeking their protection in the territory of the other country.
4. The two Governments may consider upon request of either Government, and determine upon mutual consent, additional geographical indications of wines and spirits that may be listed in the Annex. The two Governments may remove geographical indications listed in the Annex if those geographical indications have ceased to be protected or have fallen into disuse in their country of origin.
5. Either Government may request consultations with the other Government regarding the implementation of this understanding and any actual or proposed measure or any other matter which the requesting Government considers might affect its interests with respect to the protection of the indications in the territory of the other country.
6. Upon request pursuant to paragraph 5, the two Governments may seek to consult in order to consider ways of reaching mutually satisfactory solutions.



7. The two Governments confirm that nothing in this understanding affects the rights and obligations of the two Governments under Section E (Geographical Indications) of Chapter 18 (Intellectual Property) of the Trans-Pacific Partnership Agreement and under provisions relating to geographical indications of any other international agreements that both countries are parties to.

I have the further honour of proposing that this letter, equally valid in French and English, and your letter in reply, confirming that your Government shares this understanding, will constitute an understanding between our Governments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chrystia Freeland', with a large, sweeping initial 'C'.

The Honourable Chrystia Freeland
Minister of International Trade
Canada



Annex

Part A

The following are protected geographical indications in Canada:

Spirits

Canadian Rye Whisky

Canadian Whisky

Wines

BC Gulf Islands

Beamsville Bench

British Columbia

Creek Shores

Fraser Valley

Four Mile Creek

Lake Erie North Shore

Lincoln Lakeshore

Niagara Escarpment

Niagara Lakeshore

Niagara Peninsula

Niagara River

Niagara-on-the-lake

Okanagan Valley

Ontario

Ontario Icewine

Prince Edward County

Similkameen Valley

Short Hills Bench

St. David's Bench

Twenty Mile Bench

Vancouver Island



Vinemount Ridge

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Part B

The following are protected geographical indications in Japan:

Spirits

壹岐(Iki)

球磨(Kuma)

琉球(Ryukyu)

薩摩(Satsuma)

Wines

白山(Hakusan)

日本酒(Japanese sake, Nihonshu)

山梨(Yamanashi)

Auckland, February 4, 2016

The Honourable Chrystia Freeland
Minister of International Trade
Canada

Excellency,

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

“I have the honour to confirm, on behalf of the Government of Canada, the following understanding reached between the Government of Canada and the Government of Japan:

1. At the time of signature of this letter, the Government of Japan recognizes that the indications listed in Part A of the Annex to this letter (hereinafter referred to as “the Annex”) are protected geographical indications in Canada. Subject to the procedures provided for in the relevant laws and regulations of Japan and in accordance with its applicable laws and regulations, interested parties of Canada may seek protection for these indications as geographical indications in Japan in accordance with Articles 22 through 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as “the TRIPS Agreement”) and subject to the exceptions under Article 24 of the TRIPS Agreement.

2. At the time of signature of this letter, the Government of Canada recognizes that the indications, and translations thereof, listed in Part B of the Annex are protected geographical indications in Japan. Subject to the procedures provided for in the relevant laws and regulations of Canada and in accordance with its applicable laws and regulations, interested parties of Japan may seek protection for these indications as geographical indications in Canada in accordance with Articles 22 through 24 of the TRIPS Agreement and subject to the exceptions under Article 24 of the TRIPS Agreement.

3. Subject to the procedures provided for in the relevant laws and regulations of Canada and Japan and in accordance with their applicable laws and regulations, the Annex may serve as evidence that the indications listed therein are protected in the territory of their respective country as geographical indications, for the purposes of procedures and proceedings seeking their protection in the territory of the other country.

4. The two Governments may consider upon request of either Government, and determine upon mutual consent, additional geographical indications of wines and spirits that may be listed in the Annex. The two Governments may remove geographical indications listed in the Annex if those geographical indications have ceased to be protected or have fallen into disuse in their country of origin.

5. Either Government may request consultations with the other Government regarding the implementation of this understanding and any actual or proposed measure or any other matter which the requesting Government considers might affect its interests with respect to the protection of the indications in the territory of the other country.

6. Upon request pursuant to paragraph 5, the two Governments may seek to consult in order to consider ways of reaching mutually satisfactory solutions.

7. The two Governments confirm that nothing in this understanding affects the rights and obligations of the two Governments under Section E (Geographical Indications) of Chapter 18 (Intellectual Property) of the Trans-Pacific Partnership Agreement and under provisions relating to geographical indications of any other international agreements that both countries are parties to.

I have the further honour of proposing that this letter, equally valid in French and English, and your letter in reply, confirming that your Government shares this understanding, will constitute an understanding between our Governments.”

I have further the honor to confirm that my Government shares this

understanding, and that your letter, equally valid in English and French, and this letter in reply will constitute an understanding between our Governments.

Sincerely,

高鳥 修一

Shuichi Takatori
State Minister of Cabinet Office of Japan

Annex

Part A

The following are protected geographical indications in Canada:

Spirits

Canadian Rye Whisky

Canadian Whisky

Wines

BC Gulf Islands

Beamsville Bench

British Columbia

Creek Shores

Fraser Valley

Four Mile Creek

Lake Erie North Shore

Lincoln Lakeshore

Niagara Escarpment

Niagara Lakeshore

Niagara Peninsula

Niagara River

Niagara-on-the-lake

Okanagan Valley

Ontario

Ontario Icewine

Prince Edward County

Similkameen Valley

Short Hills Bench

St. David's Bench

Twenty Mile Bench

Vancouver Island

Vinemount Ridge

Part B

The following are protected geographical indications in Japan:

Spirits

壹岐(Iki)

球磨(Kuma)

琉球(Ryukyu)

薩摩(Satsuma)

Wines

白山(Hakusan)

日本酒(Japanese sake, Nihonshu)

山梨(Yamanashi)