



**Senator the Hon Tim Ayres**  
Assistant Minister for Trade  
Assistant Minister for Manufacturing

16 July 2023

The Rt Hon Kemi Badenoch MP  
Secretary of State for Business and Trade  
Department for Business and Trade  
Old Admiralty Building  
London  
SW1A 2DY

Dear Secretary Badenoch,

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

“In connection with the signing on this date of the *Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Australia with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, the United Kingdom shall endeavour to promote harmonisation in international fora regarding a grace period consistent with that Article, and consequently shall endeavour to promote the adoption of amendments to the *European Patent Convention*,<sup>1</sup> and, as needed, to the *Strasbourg Patent Convention*,<sup>2</sup> to incorporate provisions which are substantially the same as, and not inconsistent with, Article 18.38 (Grace Period).

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<sup>1</sup> *Convention on the Grant of European Patents (European Patent Convention)*, done at Munich on 5 October 1973, as revised by the Act revising Article 63 of the European Patent Convention of 17 December 1991 and the Act revising the European Patent Convention of 29 November 2000.

<sup>2</sup> *Convention on the Unification of Certain Points of Substantive Law on Patents for Invention*, done at Strasbourg on 27 November 1963.

2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 enter into force, the United Kingdom shall provide a yearly written report to the Parties to the CPTPP for which the Protocol has entered into force, beginning on the anniversary of the date of entry into force of the Protocol for the United Kingdom, regarding the specific actions the United Kingdom has taken in the preceding 12-month period to promote harmonisation and the adoption of grace period rules in international fora including the European Patent Organisation.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Australia.”

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Australia and the United Kingdom.

Yours sincerely,



Senator the Hon Tim Ayres  
Assistant Minister for Trade  
Australia



SECRETARY OF STATE  
AND PRESIDENT OF THE BOARD OF TRADE



## Department for Business & Trade

**The Rt Hon Kemi Badenoch MP**  
**Secretary of State for Business & Trade**  
**President of the Board of Trade**  
**Minister for Women & Equalities**  
Department for Business and Trade  
Old Admiralty Building  
Admiralty Place  
Whitehall  
London  
SW1A 2DY

Senator the Hon Tim Ayres  
Assistant Minister for Trade  
Assistant Minister for Manufacturing  
Senate  
Parliament House  
Canberra ACT 2600

16 July 2023

Dear Senator Ayres,

In connection with the signing on this date of the *Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Australia with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, the United Kingdom shall endeavour to promote harmonisation in international fora regarding a grace period consistent with that Article, and consequently shall endeavour to promote the adoption of amendments to the *European Patent Convention*,<sup>1</sup> and, as needed, to the *Strasbourg Patent Convention*,<sup>2</sup> to incorporate provisions which are substantially the same as, and not inconsistent with, Article 18.38 (Grace Period).

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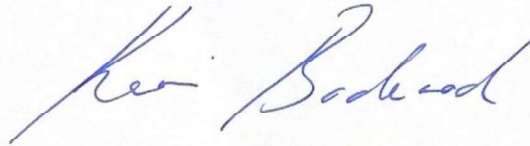
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3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 enter into force, the United Kingdom shall provide a yearly written report to the Parties to the CPTPP for which the Protocol has entered into force, beginning on the anniversary of the date of entry into force of the Protocol for the United Kingdom, regarding the specific actions the United Kingdom has taken in the preceding 12-month period to promote harmonisation and the adoption of grace period rules in international fora including the European Patent Organisation.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Australia.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kemi Badenoch', written in a cursive style.

**THE RT HON KEMI BADENOCH MP**  
Secretary of State for Business & Trade and President of the Board of Trade  
Minister for Women & Equalities



**Senator the Hon Tim Ayres**  
**Assistant Minister for Trade**  
**Assistant Minister for Manufacturing**

16 July 2023

The Rt Hon Kemi Badenoch MP  
Secretary of State for Business and Trade  
Department for Business and Trade  
Old Admiralty Building  
London  
SW1A 2DY

Dear Secretary Badenoch,

In connection with the signing on this date of the *Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Protocol), and in the context of the strengthening economic partnership of our two nations under the *Free Trade Agreement between Australia and the United Kingdom of Great Britain and Northern Ireland* done at Adelaide and London, on 17 December 2021, I have the honour to confirm the following agreement reached between the Government of Australia (Australia) and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of negotiations on the Protocol:

1. No investor of the United Kingdom shall have recourse to dispute settlement against Australia under Chapter 9, Section B (Investor-State Dispute Settlement) of the *Trans-Pacific Partnership Agreement* as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the TPP as incorporated into the CPTPP).
2. No investor of Australia shall have recourse to dispute settlement against the United Kingdom under Chapter 9, Section B (Investor-State Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between Australia and the United Kingdom, which shall enter into force on the date on which the Protocol enters into force for both Australia and the United Kingdom.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Ayres', written over a light blue horizontal line.

Senator the Hon Tim Ayres  
Assistant Minister for Trade  
Australia



SECRETARY OF STATE  
AND PRESIDENT OF THE BOARD OF TRADE



Department for  
Business & Trade

**The Rt Hon Kemi Badenoch MP**  
**Secretary of State for Business & Trade**  
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2. No investor of Australia shall have recourse to dispute settlement against the United Kingdom under Chapter 9, Section B (Investor-State Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between Australia and the United Kingdom, which shall enter into force on the date on which the Protocol enters into force for both Australia and the United Kingdom."

I have the further honour to confirm that your letter reflects the agreement reached between the Governments of the United Kingdom and Australia during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Australia, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Australia.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kemi Badenoach', written in a cursive style.

**THE RT HON KEMI BADENOCH MP**  
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