

（環太平洋パートナーシップに関する包括的及び先進的な協定
へのグレートブリテン及び北アイルランド連合王国の加入に
関する議定書に関連して締結された二国間の行政取極）

（参考）

（環太平洋パートナーシップに関する包括的及び先進的な協定に組み込まれ、その一部を成す環太平洋パートナーシップ協定第十八・三十八条（猶予期間）の規定の適用に関する日本国政府とグレートブリテン及び北アイルランド連合王国政府との間の交換公文）

（英国側書簡）

（訳文）

書簡をもって啓上いたします。本大臣は、環太平洋パートナーシップに関する包括的及び先進的な協定へのグレートブリテン及び北アイルランド連合王国の加入に関する議定書（以下「議定書」という。）の日本の署名に関連して、必要な変更を加えた上で、二千十八年三月八日にサンティアゴで作成された環太平洋パートナーシップに関する包括的及び先進的な協定（以下「CPTPP」という。）に組み込まれ、CPTPPの一部を成す二千十六年二月四日にオークランドで作成された環太平洋パートナーシップ協定（以下「CPTPPに組み込まれたTPP」という。）第十八・三十八条（猶予期間）の規定のグレートブリテン及び北アイルランド連合王国（以下「英国」という。）への適用に関して、議定書に関する交渉において英

国政府とCPTPPの締約国の政府との間で到達した合意であつて、英国と日本国との間の次の合意において規定するものを確認する光榮を有します。

1 CPTPPに組み込まれたTPP第十八・三十八条（猶予期間）の規定の適用上、英国は、同条の規定に適合する猶予期間に関して国際的な場における調和を促進するよう努めるものとし、その結果、同条の規定と実質的に同一の規定であつて同条の規定に反しないものを組み込むために、欧州特許の付与に関する条約（注1）及び必要に応じてストラスブール特許条約（注2）の改正の採択を促進するよう努める。

注1 千九百七十三年十月五日にミュンヘンで作成された欧州特許の付与に関する条約であつて、千九百九十一年十二月十七日の同条約第六十三条を改正する条約及び二千年十一月二十九日の欧州特許の付与に関する条約を改正する条約によって改正され

たもの

注2 千九百六十三年十一月二十七日にストラスブールで作成された実体的な特許法の特定の点の統一に関する条約

2 CPTPPに組み込まれたTPP第十八・三十八条（猶予期間）の規定は、1に規定する改正が英国について効力を生じた日の後に、英国について適用する。

3 英国は、1に規定する改正が英国について効力を生じた場合には、議定書が効力を生じているCPTP

Pの締約国に速やかに通報する。

4 英国は、1に規定する改正が効力を生ずるまでの間、英国が欧州特許機構その他の国際的な場における猶予期間の規定の調和及び採択を促進するために直前の十二箇月の期間においてとった具体的な措置に関する報告書を、議定書が英国について効力を生じた日から一年を経過する日ごとに、議定書が効力を生じているCPTPPの締約国に提出する。

5 1から4までの規定の下で生ずる事項については、CPTPPに組み込まれたTPP第二十八章（紛争解決）の規定に基づく紛争解決手続に服するものとする。

本大臣は、更に、この書簡及び閣下の確認の返簡が、CPTPPに組み込まれたTPP第十八・三十八条（猶予期間）の規定の英国への適用に関する英国政府とCPTPPの締約国の政府との間で到達した合意を規定する両政府間の合意を構成し、その合意が英国及び日本国についての議定書の効力発生の日に効力を生ずるものとするを提案する光栄を有します。

二千二十三年七月十六日

四

グレートブリテン及び北アイルランド連合王国
ビジネス・貿易大臣 ケミ・ベイデノック

日本国経済再生担当大臣 後藤茂之閣下

（日本側書簡）

（訳文）

書簡をもって啓上いたします。本大臣は、本日付けの閣下の次の書簡を受領したことを確認する光栄を有します。

（英国側書簡）

本大臣は、更に、前記が議定書に関する交渉において両政府間で到達した合意を反映したものであることを確認するとともに、閣下の書簡及びこの確認の返簡が両政府間の合意を構成し、その合意が日本国及び英国についての議定書の効力発生の日に効力を生ずるものとすることを確認する光栄を有します。

二千二十三年七月十六日にオークランドで

日本国経済再生担当大臣 後藤茂之

グレートブリテン及び北アイルランド連合王国

ビジネス・貿易大臣 ケミ・ベイデノツク閣下

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 Japan.”

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 Japan and the United Kingdom.

Yours sincerely,

GOTO Shigeyuki
Minister in Charge of
Economic Revitalization of Japan

Auckland, July 16, 2023

The Rt Hon Kemi Badenoch MP
Secretary of State for Business and Trade
and President of the Board of Trade
Minister for Women and Equalities

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of July 16, 2023, 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 Japan 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*,¹ and, as needed, to the *Strasbourg Patent Convention*,² to incorporate provisions which are substantially the same as, and not inconsistent with, Article 18.38 (Grace Period).
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.

¹ *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.

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

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 Japan.

Yours sincerely,

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

His Excellency
Minister Shigeyuki GOTO
Minister in Charge of Economic Revitalization of Japan

16 July 2023

Dear Minister GOTO,

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 Japan 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*,¹ and, as needed, to the *Strasbourg Patent Convention*,² to incorporate provisions which are substantially the same as, and not inconsistent with, Article 18.38 (Grace Period).
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.

¹ *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.

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

(参考)

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ルランド連合王国の加入に関する議定書に関連
して締結された二国間の行政取極)
(英文)