

**SWEDEN – MEASURES AFFECTING THE ENFORCEMENT OF
INTELLECTUAL PROPERTY RIGHTS**

Notification of Mutually-Agreed Solution

The following communication, dated 2 December 1998, from the Permanent Mission of the United States, the Permanent Delegation of the European Commission and the Permanent Mission of Sweden to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 3.6 of the DSU.

The United States of America and the European Communities – Sweden wish to notify the Dispute Settlement Body that they have reached a mutually satisfactory solution to the matter raised by the Government of the United States in WT/DS86/1, dated 2 June 1997, concerning the obligations of the European Communities and the Government of Sweden under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to make available prompt and effective provisional measures *inaudita altera parte* in civil proceedings involving intellectual property rights.

To fulfil this obligation, *inter alia*, the Parliament of Sweden passed legislation on 25 November 1998 amending Sweden's Copyright Act, Trademarks Act, Patents Act, Design Protection Act, Trade Names Act, Act on Protection of Semiconductor Products, and Plant Breeders Protection Act. This legislation grants judicial authorities in Sweden the authority to order provisional measures in the context of civil proceedings involving intellectual property rights. Specifically, the legislation provides that if there is reason to believe that a person has taken or is about to take action to infringe intellectual property rights, the court may order a search for infringing materials, documents or other relevant evidence. The search may be ordered *inaudita altera parte* if there is a risk that materials or documents could be removed, destroyed or altered. The legislation will come into effect on 1 January, 1999.

Based on these developments, the European Communities – Sweden and the United States have agreed to terminate consultations on this matter and the United States wishes formally to withdraw this matter from further attention under the provisions of the Dispute Settlement Understanding. This agreement is without prejudice to the rights or obligations of either Member under the Agreement Establishing the World Trade Organization.
