8 March 2018

His Excellency
Mr. J.Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia

Dear Secretary General,

In connection with the signing on this date of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the "Agreement"), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of Malaysia with regard to Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Agreement:

Malaysia shall refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the Agreement with regard to the obligations of Viet Nam under Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Agreement for a period of five years after the fifth anniversary of the date of entry into force of the Agreement for Viet Nam.

I have the further honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement as between Viet Nam and Malaysia.

Yours sincerely,

Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

8 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

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

"In connection with the signing on this date of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the "Agreement"), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of Malaysia with regard to Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Agreement:

Malaysia shall refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the Agreement with regard to the obligations of Viet Nam under Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Agreement for a period of five years after the fifth anniversary of the date of entry into force of the Agreement for Viet Nam.

I have the further honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement as between Viet Nam and Malaysia."

I have the further honour to confirm that the above reflects the agreement reached between the Government of Malaysia and the Government of the Socialist Republic of Viet Nam during the course of negotiations on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and that your letter and this letter in reply shall constitute an agreement between the Government of Malaysia and the Government of the Socialist Republic of Viet Nam.

Yours sincerely,

J.Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia