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 the Socialist Republic of Viet Nam (Viet Nam) 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.
>
> 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

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[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.

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 Viet Nam."

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 Viet Nam and the United Kingdom.

Yours sincerely,

Nguyen Hong Dien
Minister of Industry and Trade
Socialist Republic of Viet Nam

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

His Excellency
Mr. Nguyen Hong Dien
Minister of Industry and Trade
Socialist Republic of Viet Nam

16 July 2023

Your Excellency,

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 the Socialist Republic of Viet Nam (Viet Nam) 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.

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[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.

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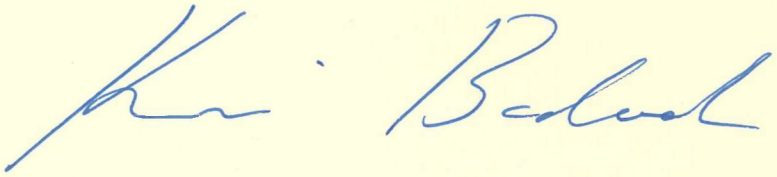
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

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 Viet Nam.

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