

**MEMORANDUM OF UNDERSTANDING
ON ISSUES RELATED TO THE PROTECTION OF
INTELLECTUAL PROPERTY RIGHTS
UNDER THE AGREEMENT BETWEEN THE UNITED STATES AND JORDAN
ON THE ESTABLISHMENT OF A FREE TRADE AREA**

The Government of the United States of America (“United States”) and the Government of the Hashemite Kingdom of Jordan (“Jordan”),

recognizing the need to promote adequate and effective protection of intellectual property rights, to provide enhanced intellectual property protection to account for the latest technological developments, and to promote greater efficiency and transparency in the administration of intellectual property systems in order to strengthen the international trading system;

Agree,

1. With respect to copies of works and phonograms that have been placed on the market by the relevant right holder, the obligations described in Article 4.11 of the *Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area* (“the Agreement”) shall apply only to books, journals, sheet music, sound recordings, computer programs, and audio and visual works; *i.e.*, categories of products in which the value of the copyrighted material represents substantially all of the value of the product. Notwithstanding the preceding, each Party shall be free to provide the protection described in Article 4.11 to a broader range of goods.
2. Any Party permitting export of any product produced under the authority provided in Article 4.19 of the Agreement, for purposes of obtaining marketing approval in another country, shall require the manufacturer to first certify to the relevant industrial property office that such product will be exported only in sufficient quantity to meet the requirements for obtaining marketing approval in the destination country.
3. With respect to Article 4.25 of the Agreement, Jordan shall raise its criminal penalties to JD 6,000, so as to meet its obligation to ensure that statutory maximum fines are sufficiently high to deter future acts of infringement.
4. Jordan shall take all steps necessary to ensure that where “use” is defined in certain measures as importation in “large quantities at reasonable prices,” such conditions on importation shall be deleted.
5. Jordan shall take all steps necessary to clarify that the exclusion from patent protection of “mathematical methods” in Article 4(B) of Jordan’s Patent Law does not include such “methods” as business methods or computer-related inventions.
6. Jordan shall take all steps necessary to clarify that Article 4(F) of Jordan’s Patent Law shall be understood to exclude from patent protection inventions whose application for registration for the first time outside Jordan has been filed by the owner and published more than eighteen months prior to the date of filing for registration in Jordan. Thus, an inventor, who outside of Jordan files but then withdraws a patent application prior to publication, shall be permitted to file for a patent application in Jordan.

This Memorandum of Understanding shall enter into force on signature. The obligations of this Memorandum of Understanding shall be implemented upon the date of entry into force of the

Agreement, with the exception of paragraph 3, which shall be implemented within two years from the date of entry into force of the Agreement.

Done at Washington, in duplicate, this twenty-fourth day of October, 2000, which corresponds to this twenty-sixth day of Rajab, 1421, in the English language. An Arabic language text shall be prepared, which shall be considered equally authentic upon an exchange of diplomatic notes confirming its conformity with the English language text. In the event of a discrepancy, the English language text shall prevail.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE
HASHEMITE KINGDOM OF JORDAN:

**MEMORANDUM OF UNDERSTANDING
ON TRANSPARENCY IN DISPUTE SETTLEMENT
UNDER THE AGREEMENT BETWEEN THE UNITED STATES AND JORDAN
ON THE ESTABLISHMENT OF A FREE TRADE AREA**

The Government of the United States of America (“United States”) and the Government of the Hashemite Kingdom of Jordan (“Jordan”),

recognizing that transparency in the administration of international trade agreements fosters public understanding of international trade and strengthens the international trading system;

Agree,

1. Subject to paragraph 3 of this Memorandum of Understanding (“Understanding”), promptly after requesting or receiving a request for consultations under Article 16 of the *Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area* (“the Agreement”) related to the matters identified in Article 17.1(a) of the Agreement, the Government of the United States and the Government of the Hashemite Kingdom of Jordan (“the Parties”) shall solicit and consider the views of members of their respective publics in order to draw upon a broad range of perspectives.
2. Subject to paragraph 3 of this Understanding, in the event that a dispute between the Parties is referred to a panel pursuant to Article 17.1(d) of the Agreement:
 - (a) any submission by either Party to the panel shall be made available to the public within ten days of the date of submission;
 - (b) any oral presentations before the panel shall be open to members of the public, except that the panel shall close a portion of the presentation to the public if necessary to ensure compliance with paragraph 3 of this Understanding;
 - (c) the panel shall accept and consider *amicus curiae* submissions by individuals, legal persons, and nongovernmental organizations with an interest in the outcome of the dispute; and
 - (d) the panel shall release its report to the public at the earliest possible time.
3. Nothing in the Agreement or this Understanding shall be construed to require the disclosure of confidential information to the public, a Party, a nongovernmental organization, or a panel.
4. The Joint Committee under Article 15 of the Agreement shall establish:
 - (a) rules for the selection and conduct of panels, which shall provide for the manner of selection of the members to serve on a dispute settlement panel constituted under Article 17.1(c) of the Agreement and provide a Code of Conduct for the members of the panel; and
 - (b) model rules of procedure for the conduct by a dispute settlement panel of proceedings under Article 17.1(c), (d), and (e) of the Agreement.
5. At its regularly scheduled session for the year commencing five years after entry into force of the Agreement, the Joint Committee shall conduct a review of the operation of Article

17 of the Agreement. Based upon the results of this review and upon the agreement of the Parties, the Joint Committee shall consider and adopt amendments to Article 17, as appropriate and subject to the domestic legal requirements of each Party.

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FOR THE GOVERNMENT OF THE
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FOR THE GOVERNMENT OF THE
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UNITED STATES - JORDAN
JOINT STATEMENT ON WTO ISSUES

The Government of the United States of America (“United States”) and the Government of the Hashemite Kingdom of Jordan (“Jordan”),

recognizing that transparency in the administration of international trade agreements fosters public understanding of international trade and strengthens the international trading system; and

recognizing that the growth in international trade may affect workers' ability to realize their rights;

Declare,

1. Subject to paragraph 3 of this Joint Statement, promptly after requesting or receiving a request for consultations related to disputes covered by the Understanding on Rules and Procedures Governing the Settlement of Disputes (“DSU”) of the Marrakesh Agreement Establishing the World Trade Organization (“WTO Agreement”), the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan (“the Parties”) shall solicit and consider the views of members of their respective publics in order to draw upon a broad range of perspectives.
2. Subject to paragraph 3 of this Joint Statement, in any dispute between the Parties that is referred to a panel pursuant to the WTO Agreement at the request of either Party with respect to a measure of the other Party, each Party shall make its written submissions to the panel available to the public within ten days of the date of submission; and the Parties shall seek the nomination of individuals to serve on such panel who agree that the panel’s working procedures shall reflect the terms of subparagraphs (a) through (c).
 - (a) any oral presentations before the panel shall be open to members of the public, except that the panel shall close a portion of the presentation to the public if necessary to comply with paragraph 3;
 - (b) the panel shall accept and consider *amicus curiae* submissions by individuals, legal persons, and nongovernmental organizations with an interest in the outcome of the dispute; and
 - (c) the panel shall release its report to the public at the earliest possible time.
3. Nothing in this Statement shall be construed to require the disclosure of confidential information to the public, a Party, a nongovernmental organization, or a panel.
4. The Parties support the participation of the World Trade Organization in discussions concerning the relationship between the rights of workers and international trade.
5. With respect to Article 4 of the WTO Agreement on Application of Sanitary and Phytosanitary measures, the Parties understand that:
 - (a) Each Party should, as requested and to the greatest extent practicable, engage on a bilateral basis in consultations on recognition of equivalence of sanitary and phytosanitary measures without reducing the level of protection of human, animal or plant life or health that the importing Party has determined to be appropriate.

(b) Each Party requesting recognition of equivalence shall provide sufficient scientific evidence or other pertinent information to demonstrate objectively to the importing Party that the exporting Party's measures achieve the importing Party's appropriate level of sanitary or phytosanitary protection.

(c) Each Party shall accept the sanitary or phytosanitary measures of the other Party as equivalent, even if these measures differ from their own or from those used by others trading in the same product, if the exporting Party objectively demonstrates to the importing Party that its measures achieve the importing Party's appropriate level of sanitary or phytosanitary protection. For this purpose, reasonable access shall be given, upon request, to the importing Party for inspection, testing and other relevant procedures.

(d) Where an importing Party determines, based on scientific evidence or other pertinent information, that the exporting Party has not objectively demonstrated that its measure achieves the importing Party's appropriate level of sanitary or phytosanitary protection, the importing Party may determine that such measure is not equivalent; should the importing Party make such a determination, it should provide its reasons, upon request, to the exporting Party to enable the exporting Party to understand the basis for the importing Party's determination.

(e) The exporting Party may request recognition by the importing Party, consistent with the process above, of the equivalence of alternative measures of the exporting Party.

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FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE
HASHEMITE KINGDOM OF JORDAN:

UNITED STATES-JORDAN JOINT STATEMENT ON ENVIRONMENTAL TECHNICAL COOPERATION

1. The Government of the United States of America (“United States”) and the Government of the Hashemite Kingdom of Jordan (“Jordan”) have a long history of cooperation in support of economic and social development in Jordan, including in the area of environmental protection. This cooperation, most of which is provided under the U.S. country strategic plan¹ for Jordan, targets key constraints to Jordan’s economic development, and focuses on strengthening human and institutional capacity and improving management of Jordan’s water and other natural resources upon which development depends.
2. One of the most recent U.S.-Jordan cooperative programs involved the United States providing Jordan with technical assistance on its environmental review of the *Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area* (“the FTA”). The attached Annex highlights selected ongoing and future U.S. environmental cooperation programs in Jordan, as well as programs that the two governments will seek to focus on environmental issues in Jordan.
3. To broaden and deepen effective cooperation on technical environmental issues, the United States and Jordan have decided to establish a Joint Forum on Environmental Technical Cooperation (“Joint Forum”) that will meet regularly and have the following mandate: to advance environmental protection in Jordan by developing environmental technical cooperation initiatives, which take into account environmental priorities, and which are agreed to by the two governments, consistent with the U.S. country strategic plan for Jordan, and complementary to U.S.-Jordanian policy initiatives. As a basis for its work, the Joint Forum will draw upon the various U.S.-Jordanian environmental technical cooperation programs while recognizing that changing circumstances may call for adjustments to these programs and may lead to the identification of new cooperative programs or activities. The United States and Jordan will consult with and consider the views of interested members of their publics in carrying out the work of the Joint Forum.
4. To realize the Joint Forum’s goal of advancing environmental protection in Jordan, the United States and Jordan initially will seek to focus technical cooperation on Jordanian environmental quality issues and the development and effective implementation of Jordanian environmental laws, as defined in Articles 5.4 and 18.2(a) of the FTA.
5. As a concrete first step, the United States and Jordan intend to jointly conduct an assessment of Jordan’s current environmental management capacity to determine training needs. This assessment will focus particular attention on compliance assurance and enforcement, examining legal requirements and their implementation and enforceability. The assessment will explore all components of a compliance assurance program, including environmental impact assessment, permits, compliance promotion and monitoring, and enforcement. The assessment team will prepare a report suggesting possible next steps for further cooperation and present the report to the Joint Forum for consideration.

¹A country strategic plan articulates the specific mission, goals, objectives, and program approaches of the U.S. Agency for International Development’s development assistance program in a particular country.

6. It is intended that cooperative work on compliance assurance and enforcement between the two governments will involve the various U.S. and Jordanian agencies involved in environmental issues, will be tailored to the Jordanian context, will complement U.S.-Jordanian policy initiatives, and will not duplicate other work underway in Jordan on environmental enforcement and compliance assurance.
7. The two governments note that local currency resources are made available to Jordan as a result of U.S. cash transfers for balance-of-payments support. The two governments intend to work together to program a portion of these local currency resources to support compliance assurance and enforcement and other activities related to the mission of the Jordanian government entity responsible for coordinating the development and implementation of Jordanian environmental laws, as defined in Articles 5.4 and 18.2(a) of the FTA.
8. The two governments further note that the Joint Committee established under the FTA is responsible for the implementation of the provisions in the agreement, including those on the environment. The United States and Jordan recognize that, under Article 15.2(f) of the FTA, the Joint Committee will discuss the review performed by each government of the environmental effects of the FTA. The two governments look forward to the work of the Joint Committee and of the Joint Forum, and anticipate that the work of each will help inform the work of the other.

Done at Washington, in duplicate in the English language, this twenty-fourth day of October, 2000, which corresponds to this twenty-sixth day of Rajab, 1421. An Arabic language text shall be prepared, which shall be considered equally authentic upon an exchange of diplomatic notes confirming its conformity with the English language text. In the event of a discrepancy, the English language text shall prevail.

FOR THE GOVERNMENT OF THE
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ANNEX

SELECTED ENVIRONMENTAL TECHNICAL COOPERATION PROGRAMS

The following programs reflect both ongoing and future U.S. support for enhancing environmental protection in Jordan. These programs focus on building human and institutional capacity in environmental management, compliance assurance and enforcement, and conservation of living and non-living natural resources. It is intended that the work of these programs will inform the development of the agenda of the Joint Forum on Environmental Technical Cooperation.

Protection of Water Resources

- To improve water resources management, the United States is providing assistance to Jordan to strengthen key public sector water institutions, develop a data base on the status of water resources, improve the quality of treated wastewater for agricultural and industrial use, and increase the quantity of potable water.

Management of Solid and Hazardous Waste

- To improve solid and hazardous waste management and protect groundwater resources, the United States is providing assistance in evaluating the design and engineering of a Jordanian hazardous waste facility, and training on principles of solid and hazardous waste management.

Environmental Laws and Regulations

- To strengthen legal and regulatory capacity, the United States will provide assistance focused on Jordan's compliance assurance and enforcement capacity, and, through the International Visitors Program, seek to facilitate visits to the United States by Jordanian officials, including legal and regulatory experts.

Environmental Impact Assessments

- To facilitate consideration of the environmental effects of development initiatives, the United States and Jordan are jointly conducting project-specific environmental assessments for major infrastructure programs, such as construction of the Aqaba Industrial Estate.

Environmental Capacity Building

- To build human capacity to address environmental concerns, the United States will encourage the King Hussein Memorial Fulbright Scholarship to provide expanded opportunities for Fulbright scholars to study environmental issues.
- To improve understanding of key concepts in environmental economics, the United States will provide training in Jordan on the economics of environmental decision-making.
- To promote water conservation, the United States funds public education programs in Jordan on water-saving and improved water management, and helps to develop educational materials on water resource issues in the region.

Business Partnerships and Exchanges

- To improve environmental management by private firms, the United States provides technical assistance in Jordan on attaining ISO 14000 certification.
- To encourage the use of environmental technologies, the United States sponsors trade missions, which bring U.S. environmental technology business representatives to Jordan, and reverse trade missions, in which environmental policy-makers and end-users of environmental technologies from Jordan participate in conferences, technical seminars, and project and technology demonstrations hosted by the United States and by U.S. companies.

Conservation of Nature Reserves and Protected Areas

- To help safeguard important nature reserves and protected areas in Jordan, the United States is working with Jordan to develop a management plan for Petra National Park, a World Heritage Site, and supporting the construction of a wastewater treatment facility for Wadi Mousa and its surrounding communities.

Coastal Protection and Preservation of Coral Reefs in the Gulf of Aqaba.

- To protect the fragile coral reef ecosystems in the Gulf of Aqaba, the United States is providing support for improved management and monitoring of the Binational Red Sea Marine Peace Park in the Gulf of Aqaba, and funding the expansion of the existing Aqaba wastewater treatment facility.