



4 February 2016

The Honorable Michael Froman  
United States Trade Representative  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

Dear Ambassador Froman,

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Malaysia (Malaysia) and the Government of the United States of America (United States) during the negotiations on Chapter 18 (Intellectual Property) of the TPP Agreement:

Malaysia and the United States agree that Malaysia may, in a manner consistent with its international obligations, apply Article 18.41 (Other Use Without Authorisation of the Right Holder) and Article 18.50.3 (Protection of Undisclosed Test or Other Data) with respect to the protections afforded under Article 18.50.1-2 (Protection of Undisclosed Test or Other Data) and Article 18.52 (Biologics), regardless of patent status.

I have the honour to confirm that my Government shares this understanding, and that this letter and your 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 TPP Agreement as between Malaysia and the United States.

Sincerely,

**MUSTAPA MOHAMED**  
Minister of International Trade and Industry  
Malaysia

EXECUTIVE OFFICE OF THE PRESIDENT  
THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON, D.C. 20508

February 4, 2016

The Honorable Mustapa Mohamed  
Minister of International Trade and Industry  
Ministry of International Trade and Industry  
Kuala Lumpur, Malaysia

Dear Minister Mustapa:

I am pleased to acknowledge your letter of this date, which reads as follows:

“In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Malaysia (Malaysia) and the Government of the United States of America (United States) during the negotiations on Chapter 18 (Intellectual Property) of the TPP Agreement:

Malaysia and the United States agree that Malaysia may, in a manner consistent with its international obligations, apply Article 18.41 (Other Use Without Authorisation of the Right Holder) and Article 18.50.3 (Protection of Undisclosed Test or Other Data) with respect to the protections afforded under Article 18.50.1-2 (Protection of Undisclosed Test or Other Data) and Article 18.52 (Biologics), regardless of patent status.

I have the honour to confirm that my Government shares this understanding, and that this letter and your 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 TPP Agreement as between Malaysia and the United States.”

I have the honor to confirm that my Government shares this understanding, and that your letter and this letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Malaysia.

Sincerely,



Ambassador Michael B. G. Froman