

## Chapter XIII

### Cooperation

#### Article 104 General Objectives

1. The Parties shall establish close cooperation aimed *inter alia* at:

(a) promoting economic and social development;

(b) stimulating productive synergies, creating new opportunities for trade and investment and promoting competitiveness and innovation;

(c) increasing the level of and deepening cooperation actions while taking into account the association relation between the Parties;

(d) reinforce and expand cooperation, collaboration and mutual interchanges in the cultural areas;

(e) encouraging the presence of the Parties and their goods and services in their respective markets of Asia, Pacific and Latin America; and

(f) increasing the level of and deepening collaboration activities among the Parties in areas of mutual interest.

2. The Parties reaffirm the importance of all form of cooperation, with particular attention to economic, trade, financial, technical, educational and cultural cooperation, as means to contribute to implementing the objectives and principles derived from this Agreement.

#### Article 105 Economic Cooperation

1. The aims of economic cooperation will be:

(a) to build on existing agreements or arrangements already in place for trade and economic cooperation; and

(b) to advance and strengthen trade and economic relations between the Parties.

2. In pursuit of the objectives in Article 104, the Parties will encourage and facilitate, as appropriate, the following activities, including, but not limited to:

(a) policy dialogue and regular exchanges of information and views on ways to promote and expand trade in goods and services between the Parties;

(b) keeping each other informed of important economic and trade issues, and any impediments to furthering their economic cooperation;

(c) providing assistance and facilities to businesspersons and trade missions that visit each other's country with the knowledge and support of the relevant agencies;

(d) supporting dialogue and exchanges of experience among the respective business communities of the Parties;

(e) establishing and developing mechanisms for providing information and identifying opportunities for business cooperation, trade in goods and services, investment, and government procurement; and

(f) stimulating and facilitating actions of public and /or private sectors in areas of economic interest.

## **Article 106      Research, Science and Technology**

1. The aims of cooperation in research, science and technology, carried out in the mutual interest of the Parties and in compliance with their policies, particularly as regards the rules for use of intellectual property resulting from research, will be:

(a) to build on existing agreements already in place for cooperation on research, science and technology and the follow up done by the existing Joint Commission for Scientific and Technical Cooperation between the Parties;

(b) to encourage, where appropriate, government agencies, research institutions, universities, private companies and other research organisations in each other's country to conclude direct arrangements in support of cooperative activities, programmes or projects within the framework of this Agreement, specially related to trade and commerce; and

(c) to focus cooperative activities towards sectors where mutual and complementary interests exist, with special emphasis on information and communication technologies and software development to facilitate trade and commerce between the Parties.

2. In pursuit of the objectives in Article 104, the Parties will encourage and facilitate, as appropriate, the following activities including, but not limited to:

(a) identifying strategies, in consultation with universities and research centres, to encourage joint postgraduate studies and research visits;

(b) exchange of scientists, researchers and technical experts;

(c) exchange of information and documentation; and

(d) promoting public/private sector partnerships in support of the development of innovative products and services and study joint efforts to enter into new markets.

## **Article 107      Education**

1. The aims of education cooperation will be:

(a) to build on existing agreements or arrangements already in place for cooperation in education; and

(b) to promote networking, mutual understanding and close working relationships in the area of education between the Parties.

2. In pursuit of the objectives in Article 104, the Parties shall encourage and facilitate, as appropriate, exchanges between and among their respective education-related agencies, institutions, organizations, in fields such as:

(a) education quality assurance processes;

(b) on-line and distance education at all levels;

(c) primary and secondary education systems;

(d) higher education;

(e) technical education; and

(f) industry collaboration for technical training.

3. Cooperation in education can focus on:

- (a) exchange of information, teaching aids, and demonstration materials;
- (b) joint planning and implementation of programs and projects, and joint coordination of targeted activities in agreed fields;
- (c) development of collaborative training, joint research and development, across graduate and postgraduate studies;
- (d) exchange of teaching staff, administrators, researchers and students in relation to programs that will be of mutual benefit;
- (e) gaining understanding of each Parties' education systems and policies including information relevant to the interpretation and evaluation of qualifications, potentially leading to discussions between institutions of higher learning on academic credit transfer and the possibility of mutual recognition of qualifications; and
- (f) collaboration on the development of innovative quality assurance resources to support learning and assessment, and the professional development of teachers and trainers in training.

**Article 108      Labor, Social Security and Environmental Cooperation**

The Parties shall enhance their communication and cooperation on labor, social security and environment through both the Memorandum of Understanding on Labor and Social Security Cooperation, and the Environmental Cooperation Agreement between the Parties.

**Article 109      Small and Medium-Sized Enterprises**

1. The Parties will promote a favorable environment for the development of small and medium-sized enterprises (SMEs).
2. Cooperation shall be oriented to share knowledge and good practices with SMEs. These practices should promote partnership and productive chain linkage development, downstream and upstream oriented, to improve SMEs productivity, development of capacities to increase SMEs access to markets, integrate technology to labor intensive processes and human resources development to increase their knowledge about Chinese and Chilean markets.
3. Co-operation shall be developed, among other activities, through:
  - (a) information exchange;
  - (b) conferences, seminars, experts dialogue and training programs with experts; and
  - (c) promoting contacts between economic operators, encouraging prospecting for industrial and technical opportunities;
4. Co-operation shall include, among other subjects:
  - (a) designing and develop mechanisms to encourage partnership and productive chain linkage development;
  - (b) defining and develop methods and strategies for clusters development;
  - (c) increasing access to information regarding mandatory procedures and any other relevant information for an SME exporter;
  - (d) defining technological transference: programs oriented to transfer technological innovation to SMEs and to improve their productivity;

(e) increasing access to information on technological promotion programs for SMEs and financial support and encouragement programs for SMEs;

(f) supporting new exporting SMEs (sponsorship, exporters club); and

(g) identifying specific areas subject to potential improvement.

#### **Article 110 Cultural Cooperation**

1. The aims of cultural cooperation shall be:

(a) to build on existing agreements or arrangements already in place for cultural cooperation; and

(b) to promote information and cultural exchanges between the Parties.

2. In pursuit of the objectives in Article 104, the Parties will encourage and facilitate, as appropriate, the following activities, including, but not limited to:

(a) encouraging dialogue on cultural policies and promotion of local culture;

(b) encouraging exchange of cultural events and promote awareness of artistic works;

(c) encouraging exchange of experience in conservation and restoration of national heritage;

(d) encouraging exchange of experience on management for the arts;

(e) encouraging cooperation in the audio-visual field, mainly through training programs in the audio-visual sector and means of communication, including co-production, training, development and distribution activities; and

(f) having a consultation mechanism between the two countries' culture authorities.

#### **Article 111 Intellectual Property Rights**

1. The aim of cooperation on intellectual property rights will be:

(a) to build on the foundations established in existing international agreements in the field of intellectual property, to which both are parties, including the TRIPS Agreement and, particularly, on the principles set out in the *Declaration on the TRIPS Agreement on Public Health*, adopted on November 14, 2001, by the WTO at the Fourth WTO Ministerial held in Doha, Qatar, and the *Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health*, adopted on August 30, 2003;

(b) to promote economic and social development, particularly in the new digital economy, technological innovation as well as the transfer and dissemination of technology to the mutual advantage of technology producers and users, and to encourage the development of social economic well-being, and trade;

(c) to achieve a balance between rights of right holders and the legitimate interests of users and the community with regard to protected subject matters;

(d) to provide certainty for right holders and users of intellectual property over the protection and enforcement of intellectual property rights;

(e) to encourage the rejection of practices or conditions pertaining to intellectual property rights which constitute abuse of rights, restrain competition or may impede transfer and dissemination of new developments; and

(f) to promote the efficient registration of intellectual property rights.

2. The Parties will cooperate, on mutually agreed terms and subject to the availability of appropriated funds, by means of:

(a) educational and dissemination projects on the use of intellectual property as a research and innovation tool;

(b) training and specialization courses for public servants on intellectual property rights and other mechanisms;

(c) exchange of information on:

(i) implementation of intellectual property systems,

(ii) appropriate initiatives to promote awareness of intellectual property rights and systems, and

(iii) developments on intellectual property policy. Such developments may, for example, include, but not be limited to, the implementation of appropriate limitations and exceptions under copyright law, and the implementation of measures concerning the appropriate protection of digital rights management information;

(d) notification of policy dialogue on initiatives on intellectual property in multilateral and regional fora;

(e) notification of contact points for the enforcement of intellectual property rights;

(f) reports regarding on developments, improvements, relevant jurisprudence and bills in Congress;

(g) enhancing knowledge of electronic systems used for the management of intellectual property; and

(h) other activities and initiatives as may be mutual determined between the Parties.

#### **Article 112 Promoting Investment**

1. The aim of cooperation shall be to help the Parties to promote, within the bounds of their own competence, an attractive and stable reciprocal investment climate.

2. The Parties will promote the establishment of information exchange channels and facilitate full communication and exchange in the following aspects:

(a) communication on investment policy laws, as well as, economic trade and commercial information;

(b) exploring the possibility of establishing investment promotion mechanisms; and

(c) providing national information for the potential investors and on investment cooperative parties.

#### **Article 113 Mining and Industrial Cooperation**

1. The aims of cooperation in mining and industry sectors carried out in the mutual interest of the Parties and in compliance with their policies, will be:

(a) to encourage, where appropriate, government agencies, research institutions, universities, private companies and other research organizations in each other's country to conclude direct arrangements in support of cooperative activities, programs, projects or joint ventures within the framework of this Agreement;

(b) to focus cooperative activities towards sectors where mutual and complementary interests exist; and

(c) to build on existing agreements and arrangements already in place between the Parties such as intergovernmental protocols, or association agreements between copper companies and corporations of the Parties.

2. Mining and Industrial cooperation may include work in, but not be limited to, the following areas:

- (a) bio-mining (mining using biotechnology procedures);
- b) mining techniques, specially underground mining, and conventional metallurgy;
- c) productivity in mining;
- d) industrial robotics for mining and other sector applications;
- e) informatics and telecommunication applications for mining and industrial plant production; and
- f) software development for mining and industrial applications.

3. In pursuit of the objectives in Article 104, the Parties will encourage and facilitate, as appropriate, the following activities including, but not limited to:

- (a) exchange of information, documentation and institutional contacts in areas of interest;
- (b) mutual access to academic, industrial and entrepreneurial networks in the area of mining and industry;
- (c) identification of strategies, in consultation with universities and research centres, that encourage joint postgraduate studies, research visits and joint research projects;
- (d) exchange of scientists, researchers and technical experts;
- (e) promotion of public/private sector partnerships and joint ventures in the support of the development of innovative products and services specially related to productivity in the sector activities;
- (f) technology transfer in the areas mentioned in paragraph 2; and
- (g) designing of innovation technology models based in public/private cooperation and association ventures.

#### **Article 114      Mechanisms for Cooperation**

1. The Parties will establish a national contact point to facilitate communication on possible cooperation activities. The national contact point will work with government agencies, private sector representatives and educational and research institutions in the operation of this Chapter.

2. For the purposes of this Chapter, the Commission shall have, the following functions:

- (a) to oversee the implementation of the cooperation framework agreed by the Parties;
- (b) to encourage the Parties to undertake cooperation activities under the cooperation framework agreed by the Parties;
- (c) to make recommendations on the cooperation activities under this Chapter, in accordance with the strategic priorities of the Parties; and
- (d) to review through regular reporting from each Party the operation of this Chapter and the application and fulfillment of its objectives between the relevant institutions (including but not limited to the relevant government agencies, research institutes, and universities) of the Parties to help foster closer cooperation in thematic areas.

#### **Article 115      Dispute Settlement**

No Party shall have recourse to Chapter X for any issue arising from or relating to this Chapter.