

**“information protected under its competition laws”** means:

- (a) in the case of Canada, information within the scope of Section 29 of the *Competition Act*, R.S.C. 1985, c.34, or any successor provision; and,
- (b) in the case of the State of Kuwait, information within the scope of Article 14 of Law No. 10 of 2007 concerning the Protection of Competition.

**“intellectual property rights”** means copyright and related rights, trademark rights, rights in geographical indications, rights in industrial designs, patent rights, rights in layout designs of integrated circuits, rights in relation to protection of undisclosed information, and plant breeders’ rights;

**“investment”** means:

- (a) an enterprise;
- (b) shares, stocks and other forms of equity participation in an enterprise;
- (c) bonds, debentures, and other debt instruments of an enterprise;
- (d) a loan to an enterprise;
- (e) notwithstanding subparagraphs (c) and (d) above, a loan to or debt security issued by a financial institution is an investment only where the loan or debt security is treated as regulatory capital by the Party in whose territory the financial institution is located;
- (f) an interest in an enterprise that entitles the owner to a share in income or profits of the enterprise;
- (g) an interest in an enterprise that entitles the owner to share in the assets of that enterprise on dissolution;
- (h) interests arising from the commitment of capital or other resources in the territory of a Party to economic activity in such territory, such as under:
  - (1) contracts involving the presence of an investor’s property in the territory of the Party, including turnkey or construction contracts, and concessions such as to search for and extract oil and other natural resources, or
  - (2) contracts where remuneration depends substantially on the production, revenues or profits of an enterprise;
- (i) intellectual property rights; and
- (j) any other tangible or intangible, moveable or immovable, property and related property rights acquired in the expectation of or used for the purpose of economic benefit or other business purpose;