

- (d) the publication, distribution, or sale of music in print or machine-readable form; or
- (e) radiocommunications in which the transmissions are intended for direct reception by the general public, and all radio, television or cable broadcasting undertakings and all satellite programming and broadcast network services.

8. If a right or obligation in this Agreement duplicates one under the WTO Agreement, the Parties agree that a measure adopted by a Party in conformity with a waiver decision granted by the WTO pursuant to Article IX of the WTO Agreement is deemed to be also in conformity with the present Agreement. Such conforming measure of either Party may not give rise to a claim by an investor of one Party against the other under Section C (Settlement of Disputes between an Investor and the Host Party) of this Agreement.

## **ARTICLE 18**

### **Denial of Benefits**

1. A Party may deny the benefits of this Section to an investor of the other Party that is an enterprise of that Party and to investments of that investor if investors of a non-Party or of the denying Party own or control the enterprise and:

- (a) the denying Party adopts or maintains a measure with respect to the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Section were accorded to the enterprise or to its investments; or
- (b) the enterprise has no substantial business activities in the territory of the Party under whose domestic law it is constituted or organized.