

3. The term "royalties" as used in this Article means payments of any kind including rentals received as a consideration for the use of, or the right to use,

- (a) any patent, trade mark, design or model, plan, secret formula or process;
- (b) industrial, commercial or scientific equipment, or information concerning industrial, commercial or scientific experience;
- (c) any copyright of literary, artistic or scientific work, cinematographic films, and films or tapes for radio or television broadcasting;

but does not include royalties or other amounts paid in respect of the operation of mines or quarries or of the extraction or removal of natural resources.

4. The term "fees for technical services" as used in this Article means payments of any kind to any person other than payments to an employee of the person making the payments and to any individual for independent personal services mentioned in Article 15, in consideration for services of a managerial, technical or consultancy nature, including the provision of services of technical or other personnel.

5. The provisions of paragraph 2 shall not apply if the recipient of the royalties or fees for technical services, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties or the fees for technical services arise through a permanent establishment situated therein, or performs in that other State professional services from a fixed base situated therein, and the right or property in respect of which the royalties or fees for technical services are paid is effectively connected with such permanent establishment of fixed base. In such a case, the provisions of Article 7 or Article 15, as the case may be, shall apply.

6. Royalties and fees for technical services shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a local authority or a resident of that State. Where, however, the person paying the royalties or the fees for technical services, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or fixed base in connection with which the obligation to pay the royalties or fees for technical services was incurred, and those royalties or fees for technical services are borne by that permanent establishment or fixed base, then such royalties or fees for technical services shall be deemed to arise in the Contracting State in which the permanent establishment or fixed base is situated.

7. Where, owing to a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties or fees for technical services paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the