

The Parties agree that cultural industries are excluded from the investment chapter. However, Canada undertakes that in the event that it requires the divestiture to Canadians of a U.S.-controlled business in a cultural industry as part of the review of an indirect acquisition of such a business, Canada will offer to purchase the business at fair, open market value as determined by an independent, impractical assessment.

All commitments and practices flowing from this Chapter, other than decisions of Canada pursuant to its reviews of investment, will be subject to the Agreement's dispute settlement mechanism. Investors will have the right of access to U.S. and Canadian courts, and may ask their Governments to seek redress on their behalf through the dispute settlement mechanism.

### **Cultural Industries**

1. Cultural industries as defined in Annex A are exempt from the provisions of this agreement.
2. Notwithstanding any other provision of this agreement, a party may take measures of equivalent commercial effect in response to actions that would have been inconsistent with this Agreement but for paragraph 1.

### **Annex A - Cultural Industries**

"cultural industry" means an enterprise engaged in any of the following activities:

- a) the publication, distribution, or sale of books, magazines, periodicals, or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;
- b) the production, distribution, sale or exhibition of film or video recordings;