

4. Notwithstanding the provisions of paragraph 3, gains from the alienation of shares of the capital stock of a company which is a resident of a Contracting State—other than a company referred to in paragraph 1(b)—by an enterprise of the other Contracting State in the course of an amalgamation or other reorganization shall be taxable only in that other State. For the purposes of this paragraph, the term “reorganization” means any transaction between associated enterprises within the meaning of Article IX, paragraph 1(a) or (b), by virtue of which shares are alienated, other than any such transaction undertaken primarily for the purpose of securing the benefit of this provision and not for bona fide commercial reasons.

5. Gains from the alienation of any property, other than those mentioned in paragraphs 1, 2 and 3, shall be taxable only in the Contracting State of which the alienator is a resident.

6. The provisions of paragraph 5 shall not affect the right of a Contracting State to tax according to its law gains derived by an individual resident in the other Contracting State from the alienation of any property, if the alienator:

- (a) is a national of the first-mentioned Contracting State or was a resident of that State for ten years or more prior to the alienation of the property, and
- (b) was a resident of that first-mentioned Contracting State at any time during the five years immediately preceding such alienation.

ARTICLE XIV

Professional Services

1. Income derived by a resident of a Contracting State in respect of professional services or other independent activities of a similar character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other Contracting State but only so much of it as is attributable to that fixed base.

2. The term “professional services” includes independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE XV

Dependent Personal Services

1. Subject to the provisions of Articles XVI, XVIII and XIX, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable