

CHAPTER V.—RESTRICTIVE BUSINESS PRACTICES

Article 46

General Policy towards Restrictive Business Practices

1. Each Member shall take appropriate measures and shall co-operate with the Organization to prevent, on the part of private or public commercial enterprises, business practices affecting international trade which restrain competition, limit access to markets, or foster monopolistic control, whenever such practices have harmful effects on the expansion of production or trade and interfere with the achievement of any of the other objectives set forth in Article 1.

2. In order that the Organization may decide in a particular instance whether a practice has or is about to have the effect indicated in paragraph 1, the Members agree, without limiting paragraph 1, that complaints regarding any of the practices listed in paragraph 3 shall be subject to investigation in accordance with the procedure regarding complaints provided for in Articles 48 and 50, whenever

- (a) Such a complaint is presented to the Organization, and
- (b) The practice is engaged in, or made effective, by one or more private or public commercial enterprises or by any combination, agreement or other arrangement between any such enterprises, and
- (c) Such commercial enterprises, individually or collectively, possess effective control of trade among a number of countries in one or more products.

3. The practices referred to in paragraph 2 are the following :

- (a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product ;
- (b) Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas ;
- (c) Discriminating against particular enterprises ;
- (d) Limiting production or fixing production quotas ;
- (e) Preventing by agreement the development or application of technology or invention whether patented or unpatented ;
- (f) Extending the use of rights under patents, trade marks or copyrights granted by any Member to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants ;
- (g) Any similar practices which the Organization may declare, by a majority of two-thirds of the Members present and voting, to be restrictive business practices.