



# Intellectual Property

Trade, Competition,  
and Sustainable Development

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# Intellectual Property Trade Competition And Sustainable Development

**Michael Blakeney**



## **Intellectual Property Trade Competition And Sustainable Development:**

**Intellectual Property** Thomas Cottier, Petros C. Mavroidis, 2003-02-11 DIV Focuses on the WTO and intellectual property rights in international law div Intellectual Property Petros Constantinos Mavroidis, Marion Panizzon, 2010 The incorporation of intellectual property protection into the WTO international trading system has been a milestone in international economic law and has added a new dimension to trade regulation new rights and obligations and new challenges alike The contributors leading scholars and practitioners in the field provide insights into the legal relationship of the TRIPs Agreement to the GATT 94 and the GATS The book widens the debate with a thorough discussion on pending and unresolved relations of TRIPs the WTO UPOV the Convention on Biodiversity and Farmers Rights contained in the FAO International Undertaking and efforts of the World Bank GCIAR system including IPGRI What will be the impact of TRIPs on ownership of plant genetic resources Largely a victory for OECD countries the present state of intellectual property rights has important implications for developing countries The incorporation of intellectual property rights into the WTO system will eventually change the relationship of trade competition and intellectual property It will equally have to assist in providing equitable sharing of benefits in the use of plant genetic resources All of these issues are essential for the revision of exclusions from patenting in TRIPs This volume offers insights into how this difficult task could and should be approached in a balanced manner and will be essential reading for economists and trade and intellectual property lawyers interested in the subject Moreover the volume will be relevant to agricultural economists as it addresses complex problems in the interstices of trade intellectual property plant genetic resources and sustainable development Thomas Cottier is Professor of European and International Economic Law University of Bern and Managing Director World Trade Institute University of Bern Petros C Mavroidis is Professor of Law University of Neuchâtel He formerly worked in the Legal Affairs Division of the World Trade Organization Marion Panizzon is Research Fellow University of Bern Simon Lacey is Research Fellow University of Bern

Competition Policy and Intellectual Property in Today's Global Economy Robert D. Anderson, Nuno Pires de Carvalho, Antony Taubman, World Trade Organization, 2021-08-05 This volume examines a range of issues relating to the interrelationships among competition policy intellectual property rights and international trade and investment flows in today's global and knowledge based economy It is intended to survey the field systematically and to yield practical and policy insights that will be of interest both to scholars and practitioners including persons working in national intellectual property offices competition agencies and international trade policy administrations in addition to universities think tanks and other organizations **Research Handbook on Intellectual Property and Competition Law** Josef Drexler, 2010-01-01 The volume offers an outstanding collection of studies on the interaction of IP and competition policy and is highly recommended for academics graduate students and practitioners with an interest in more theoretical studies Ioannis Lianos World Competition Each chapter in the Research Handbook on Intellectual Property and Competition Law is written so lucidly that

it will be of great interest to law professors and post graduate students of intellectual property and competition law as well as those interested in innovation and competition theory and legal practices in intellectual property and competition law

Madhu Sahni *Journal of Intellectual Property Rights* This is a book that delivers on its promise With a strong cast of contributors from a variety of countries economies and disciplines it makes the reader wonder how any commercially attractive IP ever gets exploited at all IPKAT Here it comes the book that I have been waiting for This will surely be an inspiring source of knowledge in my Masters Programme in European Intellectual Property Law at Stockholm University While promoting intellectual property protection as an important means for innovations and cultural developments a critical analysis and a flexible approach to the needs for free creative space and effective competition is crucial As this book so well illustrates this delicate balance is no either or Marianne Levin Stockholm University Sweden This comprehensive Handbook brings together contributions from American Canadian European and Japanese writers to better explore the interface between competition and intellectual property law Issues range from the fundamental to the specific each considered from the angle of cartels dominant positions and mergers Topics covered include among others technology licensing the doctrine of exhaustion network industries innovation patents and copyright Appropriate space is devoted to the latest developments in European and American antitrust law such as the more economic approach and the question of anti competitive abuses of intellectual property rights Each original chapter reflects extensive comments by all other contributors an approach which ensures a diversity of perspectives within a systematic framework These cutting edge articles will be of great interest to law professors and postgraduate students of intellectual property and competition law as well as those interested in innovation and competition theory and legal practices in intellectual property and competition law

Intellectual Property Rights and Climate Change Wei Zhuang, 2017-06-01 As the world confronts global warming there is a growing consensus that the TRIPS Agreement could be a more effective instrument for mitigating climate change In this innovative work Wei Zhuang systematically examines the contextual elements that can be used in the interpretation of the TRIPS Agreement with a view to enhancing innovation and transfer of environmentally sound technologies Zhuang proposes a balanced and pro competitive interpretation that could be pursued by policymakers and negotiators This comprehensive multidisciplinary study will help academics and policymakers improve their understanding of the contemporary international legal regimes governing intellectual property rights as well as innovation and transfer of environmentally sound technologies It also offers practical guidance for further developing a legal system capable of responding to the challenges posed by climate change

*The Oxford Handbook of International Trade Law* Daniel Bethlehem, Donald McRae, Rodney Neufeld, Isabelle Van Damme, 2009-01-08 Over the past 10 years the content and application of international trade law has grown dramatically The WTO created a binding dispute settlement process and in resolving disputes the judicial organs of the WTO have built up a substantial amount of new international trade law Emerging from this new WTO process is an international trade law system

that is in some respects self contained and in other respects overlapping and linked to other international legal economic and political regimes The boundaries of trade law are now generating enormous interest and controversy which at a broader level is subsumed within the debate over globalisation The detailed development of the rules of international trade is being examined with increasing frequency by scholars government officials and trade law practitioners But how does it fit with existing systems How it is modified by them How does the international trade law system affect and modify other regimes This Handbook places international trade law within its broader context providing comment and critique on contemporary thinking on a range of questions both related specifically to the discipline of international trade law itself and to the outside face of international trade law and its intersection with States and other aspects of the international system It examines the economic and institutional context of the world trading system its substantive law including regional trade regimes and the settlement of disputes The final part of the book explores the wider framework of the world trading system considering issues including the relationship of the WTO to civil society the use of economic sanctions state responsibility and the regulation of multinational corporations Oxford Handbooks offer authoritative and up to date surveys of original research in a particular subject area Specially commissioned essays from leading figures in the discipline give critical examinations of the progress and direction of debates Oxford Handbooks provide scholars and graduate students with compelling new perspectives upon a wide range of subjects in the humanities and social sciences Intellectual Property Rights and Food Security Michael Blakeney, 2009-01-01 Intellectual Property Rights IPRs play an important role in the struggle for food security and encouraging agricultural research and development This book examines these roles as well as the international relationship between IPRs agricultural biotechnology access to biological resources food security and globalisation paying particular attention to proposals for the protection of Farmers Rights traditional knowledge GM crops and the impact of competition laws It proposes a number of recommendations for action in deploying IPRs in order to reach greater food security globally

**The Oxford Handbook on The World Trade Organization** Amrita Narlikar, Martin Daunton, Robert M.

Stern, 2012-05-31 The Oxford Handbook on the World Trade Organization provides an authoritative and cutting edge account of the World Trade Organization Its purpose is to provide a holistic understanding of what the WTO does how it goes about fulfilling its tasks its achievements and problems and how it might contend with some critical challenges The Handbook benefits from an interdisciplinary approach The editorial team comprises a transatlantic partnership between a political scientist a historian and an economist The distinguished and international team of contributors to the volume includes leading political scientists historians economists lawyers and practitioners working in the area of multilateral trade All the chapters present original and state of the art research material They critically engage with existing academic and policy debates and also contribute to the evolution of the field by setting the agenda for current and future WTO studies The Handbook is aimed at research institutions university academics post graduate students and final year undergraduates

working in the areas of international organization trade policy and negotiations global economic governance and economic diplomacy As such it should find an enthusiastic readership amongst students and scholars in History Economics Political Science International Relations Public Policy and Law Equally important the book should have direct relevance for diplomats international bureaucrats government officials and other policy makers and practitioners in the area of trade and economic governance

Intellectual Property in the Global Trading System Wei Shi, 2008-07-20 After exploring multifaceted issues of IPR enforcement this book argues that the problems with it are not an actual outcome of Confucian philosophy and to steal a book is not an elegant offence This book demonstrates that counterfeiting and piracy are inevitable consequences of inadequate economic development It goes on to state that they are a by product of a unique set of socioeconomic crises that have their origin in a dysfunctional institutional regime

**TRIPS Agreement of the WTO** Mohammad Towhidul Islam, 2014-07-24 This book examines the application of the World Trade Organization's WTO Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS in the fields of agriculture public health and economic development in a Least Developed Country LDC such as Bangladesh In particular it evaluates the question whether the TRIPS one size fits all approach compulsorily applicable for all countries irrespective of their development standing fulfils the developmental needs of Bangladesh and other such LDCs in the fields of agriculture public health and economic development The book shows that the TRIPS introduction of IPRs in the name of Plant Varieties Protection PVP and patents not only secures private sector investment in agriculture but also brings traditional agricultural practices within the spectrum of private monopoly increases the price of agricultural products and forces people into dependency on engineered seeds and other agricultural inputs To guard against such trade rules this book recommends that Bangladesh should incorporate the TRIPS flexibilities in the form of redefining patentable invention choosing between patents and PVP and providing for compulsory licensing This book also reveals that the TRIPS patenting in pharmaceuticals encourages innovations by ensuring royalty collections and protects public health by raising standards of living However patenting offers exclusivity to pharmaceutical companies extending the duration of the patent term and establishing their control over production supply and distribution Such control results in exclusivity over drug pricing The flexibilities of the compliance deadline compulsory licensing and parallel importation built into the TRIPS are set to tackle untenable situations arising from patenting exclusivity However patent laws in most LDCs are out dated in terms of dealing with such flexibilities Given this the research recommends that Bangladesh should invoke the TRIPS flexibilities The author of this book further establishes that the TRIPS standard setting in agriculture and pharmaceuticals does not help the country to fulfil subsistence needs or promote economic development through innovation However the appropriation of agricultural and pharmaceutical goods during the use of the TRIPS flexibilities has the potential to feed the people protect public health interests and increase economic development with the supply of food and drugs at home and abroad To this end the research asks Bangladesh to reform its existing IPRs provisions by redefining

patentable inventions and simplifying compulsory licensing and other differential treatments to appropriate foreign technologies

**The Inherent Rights of Indigenous Peoples in International Law** Antonietta Di Blase, Valentina Vadi, 2020-02-24 This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights These rights are not established by states rather they are inherent to indigenous peoples because of their human dignity historical continuity cultural distinctiveness and connection to the lands where they have lived from time immemorial In the past decades a new awareness of the importance of indigenous rights has emerged at the international level UN organs have adopted specific international law instruments that protect indigenous peoples Nonetheless concerns persist because of continued widespread breaches of such rights Stemming from a number of seminars organised at the Law Department of the University of Roma Tre the volume includes contributions by distinguished scholars and practitioners It is divided into three parts Part I introduces the main themes and challenges to be addressed considering the debate on self determination of indigenous peoples and the theoretical origins of indigenous sovereignty Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human rights and investments respectively Not only do the contributors to this book critically assess the current international legal framework but they also suggest ways and methods to utilize such legal instruments towards the protection promotion and fulfilment of indigenous peoples rights to contribute to the maintenance of peace and the pursuit of justice in international relations DOI 10.13134/9788832136920

Patent Exhaustion and International Trade Regulation Santanu Mukherjee, 2023-03-13 This book dives into the legal and economic rationale of patent exhaustion studying its evolution from the beginning in Germany UK and USA to Japan and 10 developing countries The author also analyses exhaustion under TRIPS GATT GATS and major regional agreements including the EU before assessing the interface of patent exhaustion with competition policy The book also addresses public policy concerns of Least developed and developing countries linked to their IPR challenges as IP users It concludes that an appropriate exhaustion mode under relevant legal measures would protect patents while also restraining patents to become non tariff barriers The open access publication of this book has been published with the support of the Swiss National Science Foundation

**International Trade Rules and the Agriculture Sector** Victor Mosoti, Ambra Gobena, 2007-01-01 Since the establishment of the WTO there have been significant changes in the legal and institutional landscape of many developing countries Whatever the motivation for trade related legal reform our experience in the FAO Legal Office has been that besides the substantial costs involved there are many challenges to successful and meaningful legal and institutional reforms Legal drafters must therefore be well aware of the existing legal and administrative culture They must also have a realistic appreciation of the resource constraints in the country for inadequate resources certainly restrict the ability of implementing bodies to put new rules into practice This study is about the nature and extent of these trade related legal and institutional reforms with a

particular focus on those of direct relevance to the agricultural sector In addition to the sectoral focus on agriculture the study places distinct emphasis on the challenges of developing countries in the implementation of trade related international obligations in the agricultural sector It derives from FAO s experience in advising countries on the implementation of agriculture related WTO agreements key elements of which are discussed and illustrated by three representative case studies

*International Trade and Human Rights* Frederick M. Abbott, Thomas Cottier, 2006 The World Trade Forum 2001 on Trade and Human Rights addressed the most controversial issues in the debate on globalization **A Chinese Perspective on**

**WTO Reform** Lei Zhang, Xiaowen Tan, 2023-03-01 This book discusses the most recent developments in the WTO regime Issues such as E commerce security exception clause China s compliance with the WTO obligations sustainability development IP protection in FTZs trade controls and etc are at the forefront of WTO studies These issues strongly influence people s understanding of the current role of WTO and provides possible way to revitalize the function of WTO Meanwhile as the world s second largest economy the world s largest trading nation and the holder of the world s largest foreign exchange reserves China is apparently a powerful figure in leading these issues Therefore this book explores extensively these issues from a Chinese perspective to see what China could do to reboost the world trade The WTO as a Legal System N. David

Palmeter, 2003 **Intellectual property, trade, human rights and access to medicines in Africa: A Reader** Atangcho N Akonumbo, 2022-01-01 Intellectual property trade human rights and access to medicines in Africa A reader by Atangcho N Akonumbo explores the current debates and conflicts pertaining to intellectual property IP trade and access to medicines in Africa as a public health issue in a public health context The Reader has a broad focus running across fourteen chapters It examines the complex web of access to medicines while introducing major concepts pertaining to access to medicines such as IP trade medicine and human rights and provides a historical overview of the nexus between IP and human rights It establishes the link between human rights IP and access to medicines within the context of developing countries broadly and Africa in particular The Reader discusses key flexibilities within the international IP framework championed by the TRIPS Agreement to enhance access to medicines including compulsory licensing and parallel importation while addressing impediments therein which provoked the Doha Declaration and arrangements thereafter Also it examines issues such as the implications of data exclusivity and linkage techniques the role of anti counterfeiting and competition laws in checking the effect of IP regimes current threats to access to medicines at the international regional and national levels such as the influence of regional or bilateral trade agreements and research and development in respect of medicines for neglected and re emerging infectious diseases It discusses the contributions of naturopathic and traditional medicines as parallel and complementary systems to modern medicine in the access to medicines landscape in the African context The Reader further addresses the implications of the difficulty of access to medicines for women children and other social minorities such as disabled persons and Lesbian Gay Bisexual and Transgender LGBT persons This Reader comes at a critical time and



potentially a turning point in the history of public health crisis in Africa when concerns about access to medicines have been heightened in the face of re emerging diseases and today the Covid 19 pandemic a situation which has revealed gross lapses in public health governance It is written in a simple language making its content accessible to a wide audience It contains informative and useful graphs text boxes and illustrative excerpts from various primary and secondary sources The Reader is likely to become an invaluable tool for a wide range of persons and institutions including academics students legal practitioners health professionals drug procurement agencies civil society organisations and the public at large involved or interested in the access to medicines discourse

International Trade in Services and Domestic Regulations Panagiotis Delimatsis, 2007-12-27 In 2005 the WTO Appellate body ruled that the United States total prohibition on cross border gambling services was unlawful under the General Agreement on Trade in Services GATS The questions raised by the case whether and how a Government could block service provision on moral grounds went to the heart of key controversies surrounding international economic law How do you reconcile a liberal system of international trade in services with national governments desire to protect social values through service regulation How much control are the WTO members willing to transfer to the WTO How much regulatory diversity can the international trading system withstand This book provides a comprehensive analysis of the regulation of services under the WTO s GATS Agreement Through a thorough examination of the GATS negotiation history substantive provisions judicial interpretation and ongoing reform process the book presents a clear picture of how the multilateral trading system justifies and tolerates regulatory diversity In this respect the book focuses on the core general principles of necessity and transparency which would allow the assessment of the consistency with the GATS of domestic regulations in services at a horizontal cross sectoral level In addition the book reviews with a critical eye the ongoing GATS negotiations on the creation of rules on domestic regulations

*Global Governance and the Quest for Justice - Volume I* Douglas Lewis, 2006-02-28 This book one in the four volume set *Global Governance and the Quest for Justice* focuses on the international and regional organisations that represent the key players in the evolving global order The papers in this collection seek to map the real world of global governance exploring who governs and how what the leading international and regional organisations claim to do and what they actually do as well as assessing the gap between the ideal of constitutionalised global governance and the actuality of governance under globalisation The contributors discuss what it would mean for global governance to aspire to Rule of Law standards of transparency accountability and participation together with categorical respect for human rights In this collection the perspective of modern public lawyers is systematically applied to the governance deficit associated with globalisation and to its institutional correction in pursuit of a legitimate regime of global governance

Trade Threats, Trade Wars Ka Zeng, 2010-02-09 This study of American trade policy addresses two puzzles associated with the use of aggressive bargaining tactics to open foreign markets First as the country with greater power and resources why has the United States achieved more success in extracting concessions from

some of its trading partners than others Second why is it that trade disputes between democratic and authoritarian states do not more frequently spark retaliatory actions than those between democratic pairs Ka Zeng finds answers to both of these questions in the domestic repercussions of the structure of trade between the United States and its trading partners whether the United States has a competitive trade relationship with its trading partner or whether trade is complementary This book offers practical policy prescriptions that promise to be of interest to trade policymakers and students of international trade policy Ka Zeng is Assistant Professor of Political Science at the University of Arkansas Fayetteville

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