

MAX PLANCK SERIES ON ASIAN INTELLECTUAL PROPERTY LAW

INTELLECTUAL PROPERTY HARMONISATION WITHIN ASEAN AND APEC

Editors

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Intellectual Property Harmonisation Within Asean And Apec

Christopher Heath



Intellectual Property Harmonisation Within Asean And Apec:

Intellectual Property Harmonisation Within ASEAN and APEC Christopher Heath, 2004-01-01 In several major areas of international trade particularly software and technology transfer a harmonised regime of intellectual property law is a crucial prerequisite to success Yet this legal concept appears to be extraordinarily difficult to establish on any agreed upon basis among countries And nowhere has the sought for harmonisation proven more intractable than in the countries of the Asia Pacific region Intellectual Property Harmonisation in ASEAN and APEC investigates the complex issues that lie at the root of this major block to the unhampered global flow of commerce based on intangible assets By highlighting the background of Asian legal systems both in terms of culture and intellectual property systems the authors suggest how the current obstacles towards greater harmonisation and integration may be overcome Defining the accepted principles enshrined in TRIPS the Paris Convention and other international agreements the presentation describes the relatively successful European experience and then goes on to develop strategic variations geared to relate more precisely to harmonisation integration and co operation in the East Asian region Among the important elements of the problem and its potential solutions discussed in this book are the following the strong influence of legal culture in the different Asian countries the limits of IP harmonisation in Europe the importance of understanding the political and cultural perceptions that prevail in the various Asian countries the non uniform approach of different Asian countries due in part to bilateral free trade agreements and the experience of patent office cooperation and its potential as a model for smaller countries The contributing authors have all worked in the IP field for more than a decade and have followed closely the developments of intellectual property law since the advent of the TRIPS Agreement Their collective expertise includes both academic and practical considerations on IP harmonisation Intellectual Property Harmonisation in ASEAN and APEC will be of great value and interest to policymakers seeking effective enforcement of intellectual property rights to international lawyers counseling clients on Asia and to academics working in the fields of intellectual property or Asian law MAX PLANCK SERIES ON ASIAN INTELLECTUAL PROPERTY LAW 10 *International Intellectual Property and the ASEAN Way* Elizabeth Siew-Kuan Ng, Graeme W. Austin, 2017-10-05 The Association of Southeast Asian Nations ASEAN is actively seeking ways for member countries to enhance their individual economic development within the context of overall regional advancement Central to this is the creation of a regional intellectual property framework This book examines the efforts to move beyond sovereign protections of intellectual property rights and establish meaningful inter state cooperation on intellectual property issues Rather than aim for IP harmonization ASEAN recognizes its internal diversity and pursues an agenda of IP Interoperability The essays in this collection examine the unique dynamics of interoperability analyzing the administration of intellectual property in a part of the world that is of increasing importance The book enables the reader to compare and contrast the ASEAN model to other approaches in regional cooperation such as Europe and Latin America and also explores private

international law as a potential vehicle for interoperability Intellectual Property Law in South East Asia Christoph Antons, Michael Blakeney, 2023-02-14 This timely book provides a comprehensive survey of recent developments in intellectual property IP law within the Association of Southeast Asian Nations ASEAN countries written by experienced scholars and practitioners in the field **Intellectual Property in Asian Emerging Economies** Assafa Endeshaw, 2016-05-23 This book critically reviews the recurrent debate on Intellectual Property law and policy in developing countries carried out in the last decade It identifies the still unresolved policy issues and proposes alternative approaches that resonate with the needs for transformation of the economic and social reality of developing countries Focusing on emerging economies in Asia the work draws the wider lessons to be learnt by researchers policy makers legislators and the business sector in general and concludes by putting forward proposals for reform **Intellectual Property Law in Africa** Caroline B. Ncube, 2023-06-29 Examining the harmonisation of Intellectual Property policy law and administration in Africa this book evaluates the effectiveness of efforts to establish continental Intellectual Property institutions and frameworks It also considers sub regional initiatives led by the regional economic communities and the regional Intellectual Property organisations focusing on relevant protocols and agreements that address Intellectual Property as well as the implementing institutions The book assesses the progress of such initiatives with particular reference to the current socio economic status of African states It argues that that harmonisation initiatives need to be crafted in a way that is supportive of the developmental goals of African states and advocates for due consideration of individual states unique conditions and aspirations This book will be of great relevance to scholars and policy makers with an interest in Intellectual Property law and its harmonisation in Africa Intellectual Property Policy, Law and Administration in Africa Caroline B. Ncube, 2015-10-16 This book examines the harmonisation of Intellectual Property IP policy law and administration in Africa Two recent developments have brought this topic to the fore The first is the escalation of long standing efforts to establish a Pan African Intellectual Property Organisation PAIPO a continental initiative The second is the current sub regional attempt to operationalise the IP provisions of the Southern African Development Community SADC s Protocol on Trade articles 9b and 24 and its Protocol on Science Technology and Innovation article 2m Intellectual Property Policy Law and Administration in Africa discusses the viability of such initiatives with particular reference to the current socio economic status of Africa s nations With a view to contributing to future developments in Africa at both a continental and sub regional level the author considers this issue through the lens of advancing the public interest in IP Ncube argues that harmonisation initiatives ought to be crafted in a way that is supportive of the development aspirations of African states Consequently she urges due consideration of individual states unique conditions and aspirations in any harmonisation venture a necessity outlined in article 7 of the Agreement on Trade Related Aspects of Intellectual Property Rights This book will be of great relevance to scholars and policy makers with an interest in IP law and African law in general The Future of Asian Trade Deals and IP

Kung-Chung Liu, Julien Chaisse, 2019-11-28 The first part of this open access book sets out to re-examine some basic principles of trade negotiation such as choosing the right representatives to negotiate and enhancing transparency as a cure to the public's distrust against trade talks. Moreover, it analyses how the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (CPTPP) might impact on the Regional Comprehensive Economic Partnership's (RCEP) IP chapter and examines the possible norm-setters of Asian IP. It then focuses on the People's Republic of China's (PRC) trade and IP strategy against the backdrop of the power games between the PRC, India and the US. The second part of the book reflects on issues related to investor-state dispute settlement and its relationship with IP such as how to re-calibrate the balance in international investment arbitration and whether compulsory licensing of IP constitutes expropriation in India, the PRC and select ASEAN countries. The third part of the book questions and strives to improve some of the proposed IP provisions of CPTPP and RCEP and to redefine some aspects of international IP norms such as pre-grant patent opposition and experimental use exception, patent term extension, patent linkage and data exclusivity for the pharmaceutical sector, plant variety protection, pre-established damages for copyright infringement and the restructuring of copyright limitations in the public interest. The open access edition of this book is available under a CC BY-NC-ND 3.0 licence on www.bloomsburycollections.com. Open access was funded by the Applied Research Centre for Intellectual Assets and the Law in Asia School of Law, Singapore Management University.

The Oxford Handbook of Intellectual Property Law Rochelle C. Dreyfuss, Justine Pila, 2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important. Intellectual property is the primary means by which the law seeks to regulate such subject matter. It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy. It also seeks to stimulate economic growth and competition, accounting for its centrality to EU Internal Market and international trade and development policies. Additionally, it is of enormous and increasing importance to business. As a result, there is a substantial and ever-growing interest in intellectual property law across all spheres of industry and social policy, including an interest in its legal principles, its social and normative foundations and its place and operation in the political economy. This handbook, written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non-specialist legal and non-legal readership, provides a comprehensive account of the following areas: The foundations of IP law, including its emergence and development in different jurisdictions and regions; The substantive rules and principles of IP and important issues arising from the existence and operation of IP in the political economy. [Making Copyright Work for the Asian Pacific](#) Susan Corbett, Jessica Lai, 2018-10-22 This book provides a contemporary overview of developing areas of copyright law in the Asian Pacific region. While noting the tendency towards harmonisation through free trade agreements, the book takes the perspective that there is a significant amount of potential for the nations of the Asian Pacific region to

work together find common ground and shift international bargaining power Moreover in so doing the region can tailor any regional agreements to suit local needs The book addresses the development of norms in the region and the ways in which this can occur in light of the specific nature of the creator owner user paradigm in the region and the common interests of Indigenous peoples

Intellectual Property Law in China Christopher Heath, 2021-02-19 Intellectual property law and practice in China has changed dramatically since the first edition of this influential book published in 2005 Today judicial and administrative application of law plays a major role and accordingly this entirely rewritten new edition draws on an abundance of court and administrative decisions clarifying how the law is applied In a thorough and systematic manner the authors clearly demonstrate the sophisticated level of legal certainty available for domestic and foreign entities doing business in China including the adaptation of the legal framework to new technologies broadened scope of protected subject matter improved quality of filings and significant enhancement of enforcement not only with regard to remedies but also to procedural aspects Providing comprehensive coverage of all aspects of intellectual property protection in China including analysis of IP related provisions of China's new Civil Code the book emphasizes issues of concern to foreign traders and investors such as the following copyright law and software protection protection of trademarks including Chinese character and Roman script trademarks well known marks and bad faith applications technology transfer enforcement of trade secret and patent protection criminal liability for infringement unfair competition and antitrust law role of the binding interpretations of the Supreme People's Court administrative regulations that supplement the laws co operation with administrative authorities protection of geographical indications protection of trade names domain name dispute resolution special patent related laws protecting such areas as plant varieties integrated circuit layout designs and relevant provisions of the distinct laws of Hong Kong and Macao Full descriptions of the competencies of China's IP related institutions are included with detailed attention to procedural matters Brief historical notes in each chapter feature the most significant changes in each amendment of law and regulation Because in China the laws are supplemented and interpreted by numerous guidelines and circulars issued by ministries or courts the up to date knowledge and awareness provided in this new edition is essential for all companies investing in China or considering such investment as well as for practitioners counselling their clients on strategies In addition officials and policymakers involved in trade or other relations with China will benefit from a comprehensive update of what the current law is and a critical view of what the challenges are the 2021 IPLCN is a recommended read for those who seek a well written English textbook which covers the main principles of Chinese IP Law Clearly outlined it is probably one of the best of its kind on the market Its existence is welcome and necessary in the current era where languages are still obstacles By Tian Lu Book Review for The IP Kitten September 2021

[Intellectual Property in Asia](#) Paul Goldstein, Joseph Straus, 2009-01-07 Introduction Intellectual property rights foster innovation But if as it surely does intellectual property means not just intellectual property rules the law of patents copyrights trademarks designs trade

secrets and unfair competition but also intellectual property institutions the courts police regulatory agencies and collecting societies that administer these rules what are the respective roles of intellectual property rules and institutions in fostering creativity And to what extent do forces outside intellectual property rules and institutions economics culture politics history also contribute to innovation Is it possible that these other factors so overwhelm the impact of intellectual property regimes that it is futile to expect adjustments in intellectual property rules and institutions to alter patterns of innovation and ultimately economic development It was to address these questions in the most dynamic region of the world today Asia that we invited leading country experts to contribute studies that not only summarize the current condition of intellectual property regimes in countries ranging in economic size from Cambodia to Japan and in population from Laos to China but that also describe the historical sources of these laws and institutions the realities of intellectual property enforcement in the marketplace and the political economic educational and scientific infrastructures that sustain and direct investment in innovative activity A

International Copyright Paul Goldstein, P. B. Hugenholtz, 2019 Written by two of the most esteemed experts of copyright law in the United States and Europe this volume surveys and analyzes the legal doctrines affecting copyright practice around the world in both transactional and litigation settings

Intellectual Property Law in Korea Byung-Il Kim, Christopher Heath, 2015-09-24 Dynamic development and rapid change especially under a very active judiciary have generated the need for a new edition of this preeminent book on intellectual property IP law in Korea here undertaken by a new generation of IP scholars and practitioners Although Korea is fully assimilated into today's international IP regime seekers of IP rights in Korea may still encounter elements that make the Korean IP regime distinctive among that of other countries It is particularly in the areas of administrative and enforcement procedure that practitioners require specialised knowledge if they are to move confidently and ensure adequate legal protection in Korea of patents copyrights designs trademarks computer programs geographical indications and other intangibles This updated second edition like the first provides this knowledge in considerable depth Twelve Korean practitioners spare no pains to clarify all the essential details of practice and procedure in the major areas of IP law in their country For example they include specific guidance on such matters as the following jurisdiction of various institutions administering intellectual property rights patent law changes caused by the Korea United States Free Trade Agreement how infringement cases move through the Korean court system available remedies and defences in infringement actions the use of the Customs Act to prohibit importation technical evaluation of utility models original licensing and transfer rights of inventors owners and co owners special provisions for inventions in biotechnology chemistry and pharmacy inventions related to computers and business methods the substantial requirements for design registration the Korean patent approval linkage system recognition and enforcement of foreign judgments The authors fully cover implications of the numerous bilateral treaties and accessions to international agreements entered into by Korea in the twelve years since the first edition as well as all relevant case law As one of the world's leaders

in the design and manufacture of semiconductor chips and other computer hardware and software Korea accommodates a great number of IP applications and registrations Its IP rights system is sound and well established and offers excellent protection to those who come to it prepared This book is an effective and substantial means to that end **Harmonising Copyright Law and Dealing with Dissonance** Sheldon W Halpern, Phillip Johnson, 2014-10-31 The highly regarded authors of this important work explore the constitutional institutional and cultural barriers to harmonisation of the copyright laws of the United States and the European Union They consider these matters in the real world trans Regulation in Asia John Gillespie, Randall Peerenboom, 2009-06-08 Unlike much analysis about regulation in Asia which focuses on globalisation and the transplant effect leaving domestic influence over commercial regulation under researched and under theorized this book focuses on how local actors influence regulatory change It explores the complex economic and regulatory factors that generate social demand for state regulation and shows how local networks courts democratic processes and civil society have a huge influence on regulatory systems It examines the particular circumstances in a wide range of Asian countries provides transnational comparisons and comparisons with Western countries and assesses how far local regulatory regimes increase economic value and convey competitive advantages Intellectual Property, Entrepreneurship and Social Justice Lateef Mtima, 2015-02-27 In the Information Age historically marginalized groups and developing nations continue to strive for socio economic empowerment within the global community Their ultimate success largely depends upon their ability to develop protect and exploit th *Global Patents* Marketa Trimble, 2012-02-14 *Global Patents Limits of Transnational Enforcement* explains why a global patent does not exist It identifies the barriers to its creation from both historical and current perspectives and discusses the difficulties that arise as inventors investors and businesses strive to protect their inventions in the widest territory possible The author analyzes the options available to patent holders and explains how a country s patent law may be used to stop or limit the exploitation of an invention patented in that country and even in other countries where the invention is not patented *Modes of Thought* Wolfgang Fikentscher, 2004 **Global Values and International Trade Law** Csongor István Nagy, 2021-12-26 Exploring the relationship and interaction between economic interests and normative non trade values this book argues that the emergence and development of non trade values is based on a complex dialectic interaction between selfish economic interests and normative values and examines how their structural interdependence has given rise to a remarkable evolution in international trade Conceiving this relationship as an intricate dialectic one that is neither purely value driven nor purely economic interest driven it addresses the emergence function and role of non trade values in international trade with a synthezizing approach and explores the results of their interaction in international economic intercourse Approaching the non trade issues of trade in a holistic manner the book demonstrates that trade can operate smoothly only if it is framed by an architecture of normative value standards and international trade liberalization has reached the level where further development calls for cooperation also in fields that at first glance may

appear to be non trade in nature **Trade, Investment, Innovation and their Impact on Access to Medicines** Locknie Hsu, 2016-02-12 The last two decades have seen great economic change in Asia and this has impacted upon the vexed question of access to affordable healthcare and medicines in many Asian states In this book Locknie Hsu examines the issue of access to medicines in Asia from a fresh perspective which embraces trade and investment law innovation intellectual property law competition policy and public health issues Hsu explores the key evolving legal issues in these areas including ASEAN integration free trade agreement negotiations such as those for the TPP bilateral investment agreements and significant court decisions The book goes on to present proposals for steps to be taken in addressing access to medicines in Asia and will be useful to academic researchers regulators law makers and global organizations involved in the issues surrounding access to affordable healthcare and medicines

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