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ASPEN CASEBOOK SERIES

INTERNATIONAL INTELLECTUAL PROPERTY IN AN INTEGRATED WORLD ECONOMY

Second Edition

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Law & Business

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Published by Wolters Kluwer Law & Business in New York.

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PO Box 990
Frederick, MD 21705

Printed in the United States of America.

1 2 3 4 5 6 7 8 9 0

ISBN 978-0-7355-9966-6

Library of Congress Cataloging-in-Publication Data

Abbott, Frederick M.

International intellectual property in an integrated world economy /

Frederick M. Abbott, Thomas Cottier, Francis Gurry. — 2nd ed.

p. cm. — (Aspen casebook series)

Includes bibliographical references and index.

ISBN 978-0-7355-9966-6

1. Intellectual property (International law) I. Cottier, Thomas. II.

Gurry, Francis. III. Title.

K1401.A922 2011

346.04'8-dc22

2011013848

INTERNATIONAL INTELLECTUAL PROPERTY IN AN INTEGRATED WORLD ECONOMY

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To our children

Annie

Céline

Devin

Emma

Maurice

Ryan

Samuel

and

Thomas

PREFACE TO THE SECOND EDITION

The international intellectual property system is continuously evolving. This book evolves with it.

Intellectual property (IP) remains at center stage in developments responding to globalization. Innovation and marketing skills define the competitiveness of companies and nations. The quest for a proper balance between the grant of exclusive rights and protection of the public domain remains at the heart of legal developments. The authors continue to take particular interest in the social welfare dimensions of intellectual property. IP laws ultimately are mechanisms to achieve desirable social welfare objectives for people around the world. We continuously draw attention to the “whole effect” of the international IP system.

Since the first edition was published in 2007, four major trends or developments may be highlighted.

First, the IP policies of large emerging economy countries—including Brazil, China, and India—have been the subject of considerable political and legal attention. As industry based in these countries invests more heavily in developing innovative products and brands, government institutions in these countries are gradually leaning toward strengthening domestic IP protection, while hesitating to do so at the international level. So far, this trend only implicitly alters the international IP landscape, but this may change in coming years.

Second, as emerging economy industries start to seriously challenge those of Europe, the United States and Japan, political leadership in the latter demand stronger global IP enforcement to maintain technological advantage. Intensifying attention to global enforcement of IP was manifest in the first WTO dispute settlement case interpreting the rules of the TRIPS Agreement enforcement chapter. The *China-Enforcement* case, decided in 2009, involved US claims that China’s criminal IP enforcement laws provided insufficient deterrence. The United States did not succeed with its claims, but the report of the WTO panel began to flesh out TRIPS Agreement enforcement standards. Key excerpts are introduced in Chapters 4 and 6. In a related development, the government of India was sued by a Swiss pharmaceutical company in Indian court for allegedly introducing patentability standards inconsistent with its TRIPS Agreement obligations. The late 2007 decision of the Indian High Court in the *Novartis* case, rejecting the allegation, is introduced in Chapters 1 and 2. Consistent with policies in the U.S. and the European Union, the *Novartis* decision is another example of denying direct effect to the TRIPS Agreement.

Third, the slow pace of IP norm-making at the multilateral level—already evident in 2007—has led some governments to voice serious concern about the

role of existing multilateral IP institutions, with an implicit threat to move international IP subject matter elsewhere. That “elsewhere” already is manifest in efforts to negotiate in *ad hoc* forums, as well as in bilateral trade agreement settings. This third major trend — a continuation — is evidenced by a proposed plurilateral Anti-Counterfeiting Trade Agreement or ACTA designed to provide more extensive rights to private IP holders and customs authorities to act at the border. The proposed agreement goes well beyond traditional notions of “counterfeiting” and has met with considerable political pushback from NGOs and developing country governments. We discuss the ACTA in various chapters. There is hardly a free trade agreement lacking provisions relating to the protection of IPRs. As to bilateral agreements, it is increasingly difficult to keep track of the many diverging IPRs provisions, most of which deploy MFN obligations to contribute to global increases in IP protection. Whether plurilateral or bilateral efforts led by the 20th century economic powers will succeed in pressuring the emerging 21st-century powers to give more serious attention to heightened IP standards and enforcement is not clear. It seems unlikely that Brazil, China, India and other major emerging economy countries will succumb to such pressure. Yet it is certainly possible that the perspective of emerging economy industrialists will ultimately converge with those of European, U.S., and Japanese industrialists, all seeking to protect investments in innovation. Perhaps the global need for climate change mitigation and adaption will lead to more balanced approaches for protecting IPRs and promoting transfer of technology.

A fourth major development was the December 2009 entry into force of the Lisbon Treaty for the European Union (EU). Through this treaty, the EU has firmly secured comprehensive jurisdiction to address intellectual property rights (IPRs), both internally and in external relations. Importantly, the Lisbon Treaty altered the allocation of internal EU competences to conclude international agreements in the field of IP, strengthening the role of the European Parliament. Significant new powers relating to IP also were given to the EU in the field of investment protection. These developments are explained in chapter 1. Further progress was also made towards a single EU patent. It has been on the drawing board since the early 1970s, and it seemed almost certain that it would finally come into being in time for publication of this Second Edition. But, once again, language issues and questions regarding allocation of judicial competences continue to frustrate this objective.

Although there has been a great deal of IP-related activity taking place at WIPO, refining international registration systems and seeking to make progress on substantive issues, there has been limited progress in the area of multilateral IP norm-making. The WIPO Development Agenda has not yet shaped legal developments. As an exception to the general lack of progress at the multilateral level, the Nagoya Protocol on Access and Benefit Sharing to the Convention on Biological Diversity (CBD) was concluded in November 2010. The Nagoya Protocol seeks to clarify CBD IP-related obligations. It is introduced in Chapters 1 and 5.

This Second Edition introduces new cases addressing IP subject matter from various jurisdictions, with increasing attention to jurisprudence emanating from outside Europe and the United States. Chapter 2 provides an update on patent-related legislative developments in China. Chapter 5 introduces

new material addressing protection of traditional knowledge, as well as the intersection between IP and competition law, and principles of unfair competition more generally.

Despite all the changes, the fundamentals of intellectual property have remained stable and witness gradual challenges from new technologies, in particular in the field of copyright protection. We are mindful of the evolution of Internet-based content, most notably social network content, that once again challenges copyright and unfair competition law to adapt to changing forms of expression. So far, this has not led to any paradigm shift in norms or the way they are applied, but we monitor these developments.

We once again welcome your comments and suggestions for the next edition.

Frederick M. Abbott
Thomas Cottier
Francis Gurry

April 2011

Author's Statement: The views expressed in this book are personal and, in respect of Francis Gurry, do not necessarily reflect the views of the World Intellectual Property Organization (WIPO).

PREFACE TO THE FIRST EDITION

The title of this book reflects reality for lawyers involved in the field of intellectual property (IP). The world economy is highly integrated, and intellectual property law is playing an increasingly important role in this global environment. Intellectual property rights (IPRs) regulation in Brazil, China, India, and Russia affects not only those countries, but has important effects on the businesses and economies of the United States and European Union. IPRs regulation affects social welfare, such as by influencing the quantum of information available in the public domain and by influencing the development and pricing of medicines. Because markets for socially important goods and services are international, IPRs rules established for one country (or a group of countries) may well affect social welfare in other countries. Multilateral and regional IPRs rules provide the framework in which the multinational business community operates. The same rules have important implications for social welfare throughout the world.

This book is designed as a detailed introduction to the international system that regulates intellectual property rights. Chapter 1 introduces the forms of intellectual property from a cosmopolitan perspective, taking into account decisions from various jurisdictions. It identifies and explains the multilateral organizations in which rules are negotiated and applied, such as the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), and other organizations with subject matter interest in IPRs, such as the Food and Agriculture Organization (FAO) and World Health Organization (WHO). Regional agreements and institutions, which play an important role in IPRs regulation, are introduced in the first chapter, and the role of regional institutions in IPRs regulation is covered throughout the book. Chapter 1 then turns to basic principles, such as national and most favored nation treatment, exhaustion, independence, territoriality, extraterritoriality, and human rights, which have systemic effects across the IPRs landscape. At the conclusion of the first chapter, the policies underlying the protection of IPRs at the multilateral level are considered.

The book approaches the detailed subject matter of international IPRs regulation by addressing the three main categories of IPRs, with their respective subcategories, in separate chapters on the international patent system (Chapter 2), the international trademark and identifier system (Chapter 3), and the international copyright system (Chapter 4). Each chapter starts with a more detailed consideration of the IP form. It then proceeds to identify the multilateral rules that apply to that IP form, how rights are secured on a wide geographic basis, and how rules have been applied in dispute settlement. Relevant regional institutions and rules, select national rules, and special policy considerations follow. Chapter 5 addresses protection of industrial design, plant varieties, trade secret, and regulatory data, using a similar approach. One of the

most significant developments regarding the international IPRs system over the past decade is heightened attention to matters of enforcement. Chapter 6 covers the subject in some detail, including how enforcement is being addressed at the WTO, in other international organizations, at the regional level, and in national law.

Throughout the book we pay strong attention to the public policy implications of international IPRs rules and enforcement, with special attention to the different interests and perspectives of developed and developing countries. For law students, as well as practitioners, judges, government officials, representatives of international organizations and nongovernmental organizations, it is essential to understand technical aspects of how the international IPRs system works and to understand — as well as our collective state of knowledge allows — how the system affects economic and social welfare. A full appreciation of the technical details and social welfare implications of the international IPRs system among those who shape and apply the rules is critical to continued improvement of the system. Properly designed and implemented, the system should benefit us all.

Frederick M. Abbott
Thomas Cottier
Francis Gurry

May 2007

ACKNOWLEDGMENTS

For the second edition, the authors are grateful to Tetayna Payosova, doctoral student research fellow, and Andrea Kienast, junior research fellow, both at the Department of Economic Law and the World Trade Institute of the University of Bern for careful support and assistance. Both ardent students using the first edition, they offered valuable advice from a student's perspective in improving the book for teaching purposes. The authors are also grateful to Maegan McCann, Kelly Shaw and Charles Whittington, students at Florida State University College of Law, for their able assistance with research, including their help in identifying recent judicial decisions of interest. The authors are indebted to faculty users of the first edition for their questions and comments that help refine the ongoing work. They also very much appreciate the commitment and effort of John Devins and Jessica Barmack, Assistant Managing Editor and Developmental Editor, respectively, at Aspen Publishers.

For the first edition, authors wish to thank the anonymous reviewers on behalf of Aspen Publishers who contributed to improving the organization of this book. They wish to thank Cathy Abbott, who has again demonstrated her excellent editing skills. They thank Leslie Jennings for her able assistance in securing permissions to reprint. Thomas Cottier acknowledges the research assistance of Christophe Germann with respect to his contribution. They also very much appreciate the commitment and effort of Richard Mixter and Eric Holt, the Acquisitions Editor and Managing Editor, respectively, at Aspen Publishers. The authors finally wish to thank Professor Jerry Reichman for his encouraging words.

The authors very much appreciate the assistance of Troy Froebe, who coordinated the editing for the first and second editions.

In addition, we gratefully acknowledge permission to reprint materials from the following authors and publishers:

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- Abbott, Frederick M. China in the WTO 2006: "Law and Its Limitations" in the Context of TRIPS, in *Developing Countries in the WTO: A Law and Economics Analysis* (George Bermann & Petros Mavroidis eds.), Cambridge

- University Press: forthcoming 2007. Reprinted by permission of Cambridge University Press.
- Abbott, Frederick M. *The North American Integration Regime and Its Implications for the World Trading System*, IX:1 *Collected Courses of the Academy of European Law: The EU, the WTO and the NAFTA* (JHH Weiler ed., 2000), Oxford Univ. Press. Reprinted by permission of Oxford University Press.
- Abbott, Frederick M. *Intellectual Property Provisions of Bilateral and Regional Trade Agreements in Light of U.S. Federal Law*. Issue Paper No. 12, February 2006, UNCTAD—ICTSD Project on IPRs and Sustainable Development. Reprinted by permission of the International Centre for Trade and Sustainable Development.
- Barlow, John Perry. *The Economy of Ideas: A Framework for Patents and Copyrights in the Digital Age* (Everything you know about intellectual property is wrong.), *Wired* 2.03, Mar. 1994. Reprinted by permission of *Wired Magazine*.
- Barton, John H. *The Economics of TRIPS: International Trade in Information-Intensive Products*, 33 *Geo. Wash. Int'l L. Rev.* 473 (2001). Reprinted by permission of John Barton and the George Washington International Law Review.
- Barton, John. *New Trends in Technology Transfer; Implications for National and International Policy*, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No. 18, Feb. 2007. Reprinted by permission of John Barton and the International Centre for Trade and Sustainable Development.
- Battling HIV-AIDS: *A Decision-Maker's Guide to the Procurement of Medicines and Related Supplies* (Yolanda Tayler ed.), World Bank, 2004. Reprinted by permission of World Bank Publishing.
- Beier, Friedrich-Karl. *The European Patent System*, 14 *Vand. J. Transnat'l L.* 1 (1981). Reprinted by permission of the *Vanderbilt Journal of International Law*.
- Cottier, Thomas. *The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs)*, in *The World Trade Organization: Legal, Economic and Political Analysis*, Vol. I 1040-1120, at 1082-1085 (Patrick F. J. Macroy, Arthur E. Appleton & Micheal G Plummer eds.), Springer: New York 2005. Reprinted by permission of Springer Publishing.
- Cottier, Thomas. *Industrial Property, International Law*, <http://www.mpepil.com/>. Reprinted by permission of Max Planck Institute.
- Cottier, Thomas & Jevtic Ana. *The Protection Against Unfair Competition in WTO Law: Status, Potential and Prospects*, Drexl Josef (ed.). *Technology and Competition. Contributions in Honour of Hanns Ullrich*. Bruxelles 2009, at 669-695.
- Cottier, Thomas & Germann Christophe. *Teaching Intellectual Property, Unfair Competition and Anti-Trust Law*, in Yo Takagi, Larry Allman & Mpazi A. Sinjela (eds.), *Teaching of Intellectual Property. Principles and Methods* (Cambridge University Press 2008), at 130-166. Reprinted by permission of Cambridge University Press.
- Cottier, Thomas & Panizzon Marion. *Legal Perspectives on Traditional Knowledge: The Case for Intellectual Property Protection*, 7 *J Int'l Economic Law* 371-399 (2004). Reprinted by permission of *Journal of International Economic Law*.

- Fink, Carsten, and Patrick Reichenmiller. Tightening TRIPS: The Intellectual Property Provisions of Recent US Free Trade Agreements. World Bank Group, International Trade Development, Trade Note 20, Feb. 7, 2005. Reprinted by permission of Carsten Fink and the World Bank Group.
- Helfer, Laurence R. Toward a Human Rights Framework for Intellectual Property, 40 U.C. Davis Law Review 971, 1017-1020 (2007). Reprinted by permission of U.C. Davis Law Review.
- Hoeren, Thomas. The European Union Commission and Recent Trends in European Information Law, 29 Rutgers Computer & Tech. L.J. 1 (2003). Reprinted by permission of Thomas Hoeren and the Rutgers Computer and Technology Law Journal.
- Kiewiet, Bart. Plant Variety Protection in the European Community, World Patent Information 27 (2005). Reprinted by permission.
- Lessig, Lawrence. Open Source Baselines: Compared to What?, in Government Policy toward Open Source Software (Robert W. Hahn ed.), AEI-Brookings Joint Center: January 2003. Reprinted by permission of Lawrence Lessig.
- Maskus, Keith. Intellectual Property Rights in the Global Economy, Institute for International Economics (2000). Reprinted by permission of Keith Maskus.
- Maskus, Keith E., & J. H. Reichman. The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004). Reprinted by permission of Keith Maskus and Jerome Reichman.
- Mondini, A. & P. Groz. New Developments in Swiss Patent Law, September 2009 Newsletter of law firm Schellenberg/Wittmer.
- Moyer-Henry, Kari, Ph.D. Patenting Neem and Hoodia: Conflicting Decisions Issued by the Opposition Board of the European Patent Office, 27 Biotechnology Law Report 6-9 (2008). Reprinted by permission of Mary Ann Leibert Inc.
- Musungu, Sisule F., & Graham Dutfield. Multilateral Agreements and a TRIPS-Plus World: The World Intellectual Property Organisation (WIPO), TRIPS Issues Papers 3, Quaker United Nations Office (QUNO), Geneva Quaker International Affairs Programme (QIAP), Ottawa. Reprinted by permission of Sisule F. Musungu and the Quaker United Nations Office.
- Penrose, Edith. Economics of the International Patent System. pp.101-107, 162-169. Copyright © 1961 by The Johns Hopkins University Press. Reprinted by permission of The Johns Hopkins University Press.
- Ricketson, Sam. The Birth of the Berne Union, The Centenary of The Berne Convention, Conference (Intellectual Property Law Unit, Queen Mary College, University of London and British Literary and Artistic Copyright Association London, April 17-18, 1986). Reprinted by permission of Sam Ricketson.
- Samuelson, Pamela. The U.S. Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997), Reprinted by permission of Pamela Samuelson.
- Sell, Susan K. The Global IP Upward Ratchet, Anti-Counterfeiting and Piracy Enforcement Efforts: The State of Play, paper presented at George Washington University, June 9, 2008. Licensed under a Creative Commons Attribution 3.0 License. See <http://creativecommons.org/licenses/by/3.0/>. Reprinted with permission.

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- Sykes, Alan O. Public Health and International Law: TRIPS, Pharmaceuticals, Developing Countries, and the Doha "Solution," 3 *Chi. J. Int'l L.* 47 (2002). Reprinted by permission of the Chicago Journal of International Law.
- UNCTAD/ICTSD Resource Book on TRIPS and Development. Cambridge University Press (2005). Reprinted by permission of Cambridge University Press.
- WIPO. The WIPO Copyright Treaty (WCT), WIPO Intellectual Property Handbook (2006). Reprinted by permission of the World Intellectual Property Organization.
- WIPO. The Hague Agreement Concerning the International Registration of Industrial Designs: Main Features and Advantages. WIPO Publication, No. 911(E). Reprinted by permission of the World Intellectual Property Organization.
- WIPO. The Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement, WIPO Intellectual Property Handbook (2006). Reprinted by permission of the World Intellectual Property Organization.
- WIPO. Technical Study on Disclosure Requirements in Patent Systems Related to Genetic Resources and Traditional Knowledge, WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Study No. 3, Feb. 2004, Reprinted by permission of the World Intellectual Property Organization.
- WIPO. Summary of the Convention Establishing the World Intellectual Property Organization (WIPO Convention), <http://www.wipo.int> (2006). Reprinted by permission of the World Intellectual Property Organization.
- WIPO. WIPO Arbitration and Mediation Center New Generic Top-Level Domains: Intellectual Property Considerations, <http://www.wipo.int> (2007). Reprinted by permission of the World Intellectual Property Organization.
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